

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI

JASON DAVIS and :
JENNIFER DAVIS, :
 :
Plaintiffs, :
vs. : Case No. 1:24-cv:0202
CHARMAINE McGUFFEY, et al., :
Defendants. :

* * * * *

DEPONENT: Jason Davis
DATE: May 6, 2025

* * * * *

Kristina L. Laker
Court Reporter

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Covington, Kentucky 41011
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1 The deposition of JASON DAVIS taken for the
2 purpose of discovery and/or use as evidence in the
3 within action, pursuant to notice, heretofore taken
4 at the office of Chris Wiest, Attorney at Law, PLLC,
5 50 East Rivercenter Boulevard, Suite 1275,
6 Covington, Kentucky, on May 6, 2025, at 9:00 a.m.,
7 upon oral examination, and to be used in accordance
8 with the Federal Rules of Civil Procedure.

9 * * * * *

10 APPEARANCES

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22 Matt Miller-Novak, Esq.
23 Andrew E. Prem, Esq.
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25 230 East Ninth Street, Suite 4000
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 ALSO PRESENT: Peter Stackpole, legal liaison

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1 JASON DAVIS,
2 of lawful age, as having been duly sworn, as
3 hereinafter certified, was examined and testified as
4 follows:

5 CROSS-EXAMINATION

6 BY MR. MILLER-NOVAK:

7 Q. All right. Could you please state your
8 name for the record and spell it.

9 A. My name is Jason Davis. J-a-s-o-n
10 D-a-v-i-s.

11 Q. Well, Jason, my name is Matt Miller-Novak.
12 I'm not going to spell it, because she knows how to
13 spell it. And I represent all of the defendants.
14 And I work for the Hamilton County Prosecutor's
15 Office.

16 So during the deposition how would you
17 like me to refer to you, Mr. Davis, Jason; what
18 would be your preference?

19 A. I don't have a preference. I'm fine.

20 Q. Okay. You can call me Matt. I'm a first
21 name guy. My last name has two many syllables for
22 people to be required to say. So Matt is fine. If
23 you have any questions -- and then I'll probably
24 call you Jason, if that's okay?

25 A. That's fine.

1 Q. We'll just do first names --

2 A. Okay.

3 Q. -- all right?

4 A. Uh-huh.

5 Q. All right. So I know that you've at least
6 witnessed a couple of depositions in this case,
7 correct?

8 A. Yes, sir.

9 Q. Okay. So I won't kind of labor what a
10 deposition is here too much. But as you know, you
11 are under oath, correct?

12 A. Yes, sir.

13 Q. And that I'm asking you questions and
14 you're going to answer those questions and she's
15 going to type out the answers, correct?

16 A. Yes, sir.

17 Q. So most of, you know, what we do in a
18 deposition kind of has to do with that aspect of the
19 record. So when I'm asking a question, please let
20 me finish before you answer, okay?

21 A. Yes.

22 Q. And then I'll let you answer completely
23 before I ask another question. And if I screw up
24 and I cut you off, let me know, okay?

25 A. Yes.

1 Q. Secondarily, if we're going to say yes or
2 no, we need to actually say yes or no, not uh-huhs
3 or nuh-uhs; do you understand?

4 A. Yes.

5 Q. All right. You already passed the test.
6 Likewise, you know, a lot of these questions -- and
7 to be completely transparent, I kind of have an
8 outline here -- so a lot of these questions I'm
9 going to come up with on the spot. They might not
10 be clear. As much as I'd like to pretend I'm
11 perfect, I'm not, okay?

12 A. Yes.

13 Q. If there's any reason you don't understand
14 a question I've asked you, please let me know, okay;
15 because if you answer a question, I'm going to
16 assume that what you told me is the truth and
17 gospel, understood?

18 A. Yes.

19 Q. Okay. If you need to take a break for any
20 reason today, that's fine, whatever the reason may
21 be. I don't even really care. You've got to go to
22 the bathroom, you want to talk to your attorney, you
23 want to call and check on your dry cleaning,
24 whatever it might be, just let me know, okay?

25 A. Yes.

1 Q. The only thing I ask if I have a question
2 on the table, that you answer that question before
3 we take a break, all right?

4 A. Yes.

5 Q. All right. And I don't need to know what
6 kind of medicine it is or anything at this point in
7 time, but are you on any medication today or have
8 any physical condition that would make your memory
9 not functional or not exact?

10 A. Just age.

11 Q. Just age. Fair enough. But you don't
12 have any diagnosed condition related to age that
13 makes your memory -- or interferes with your memory?

14 A. No, sir.

15 Q. Just forgetting that you left your keys on
16 top of the cabinet?

17 A. Yes.

18 Q. Okay. Understand. Great. Do you have
19 any initial questions for me, or are you ready?

20 A. I am ready.

21 Q. Okay. So have you ever been deposed
22 before, Jason?

23 A. Deposed as in -- can you define deposed,
24 like. . .

25 Q. This is a deposition.

1 A. I've never done a deposition.

2 Q. Okay. That's what deposed means.

3 A. I gotcha.

4 Q. Kind of like the verb version of what
5 we're doing today.

6 A. Gotcha.

7 Q. Deposition is a noun. Depose is a verb.
8 So you've never been deposed before?

9 A. No, sir.

10 Q. Okay. Have you ever testified in a trial?

11 A. Yes, sir.

12 Q. Okay. That was your confusion?

13 A. Yes.

14 Q. So what type of trials have you testified
15 in?

16 A. I've done criminal. And I did one for --
17 I guess it was like a civil suit for a car crash
18 since I was the reporting officer.

19 Q. Like a negligence claim?

20 A. Yes.

21 Q. And you were the reporting officer, so
22 they called you as a witness in a personal injury
23 case?

24 A. Yes.

25 Q. Okay. So you just served as a witness

1 then?

2 A. Yes.

3 Q. Have you ever been a party in a civil
4 suit?

5 A. No, sir.

6 Q. Have you ever filed suit against anybody
7 before?

8 A. No, sir.

9 Q. Okay. And then the criminal case, I'm
10 sure that happened -- has that happened more than
11 once in your career?

12 A. Oh, absolutely.

13 Q. Okay. So you've testified a number of
14 times in court under oath as a witness as a deputy?

15 A. Yes.

16 Q. As an action of the State of Ohio versus a
17 defendant, correct?

18 A. Yes, sir.

19 Q. Okay. All right. So in this case you are
20 a plaintiff as a former deputy of Hamilton County
21 Sheriff's Department, correct?

22 A. Yes, sir.

23 Q. And your wife is also a plaintiff,
24 correct?

25 A. Yes, sir.

1 Q. And what is her name?

2 A. Jennifer Patterson Davis.

3 Q. Okay. Does she go as Jenny or any other
4 alias?

5 A. No.

6 Q. Okay. So she's called Jennifer?

7 A. Jennifer.

8 Q. Okay. And how long have you been married?

9 I don't want to get you in trouble. What year did
10 you get married?

11 A. 2003.

12 Q. That's fine. We'll just chalk it up to
13 not being good at math --

14 A. Thank you.

15 Q. -- not forgetting.

16 A. That's going to be awkward.

17 Q. Well, it's fine. 2003. So that's 22
18 years roughly, correct?

19 A. Yes.

20 Q. Okay. Do you have any children?

21 A. I have one.

22 Q. Okay. And what is your child's name?

23 A. Jayden Davis.

24 Q. How old is Jayden?

25 A. Nineteen.

1 Q. What high school did he graduate from?

2 A. He went to Harrison.

3 Q. And where is he going now?

4 A. UC.

5 Q. What does he want to do?

6 A. He is in engineering, trying to get with
7 the DOD for weapons development and designing.

8 Q. Oh, okay. And what is your educational
9 history?

10 A. High school and associate's degree in
11 criminal justice.

12 Q. Where did you get that?

13 A. Cincinnati State.

14 Q. What year?

15 A. 2011.

16 Q. How old are you?

17 A. 49.

18 Q. Is that your second career?

19 A. My second career?

20 Q. You got your associate's in 2011 in law
21 enforcement?

22 A. Yes.

23 Q. Okay. What did you do before that?

24 A. As in education or what?

25 Q. Yeah.

1 A. Education?

2 Q. Yes.

3 A. Just high school.

4 Q. Just high school. What year did you
5 graduate high school?

6 A. '94.

7 Q. '94. Okay. Where did you go to high
8 school?

9 A. Oak Hills. Diamond Oaks.

10 Q. Diamond Oaks, was it law enforcement?

11 A. No. It was commercial art.

12 Q. When did you start your career in law
13 enforcement?

14 A. 2002 with the Sheriff's Department.

15 Q. What was your first position?

16 A. Corrections officer.

17 Q. How long were you in corrections?

18 A. Twelve years.

19 Q. What was your next position?

20 A. I was promoted to road patrol in 2014.

21 Q. What was your last position with the
22 County?

23 A. Road patrol.

24 Q. What location did you work out of?

25 A. I was District 5, Anderson Township.

1 Q. What are your responsibilities in road
2 patrol?

3 A. Enforce -- enforce the laws, traffic.
4 Patrol functions is patrolling the neighborhoods,
5 crime prevention.

6 Q. When did you start in corrections again?

7 A. 2002.

8 Q. 2002. And when was your last day with the
9 County?

10 A. January 30th, I believe, of 2023.

11 Q. Okay. So does 21 years sound correct?

12 A. Yes, sir.

13 Q. Okay. So 12 years in corrections of those
14 21 years, that would be nine years as a patrol?

15 A. Yes, sir.

16 Q. Okay.

17 A. Yeah, that's right -- no, was it '23 or
18 '24? This is '25.

19 Q. I believe it was January 30th of 2024.

20 A. '24. Okay. I'm sorry.

21 Q. Does that sound correct? And you put
22 in --

23 A. Yes.

24 Q. -- your resignation --

25 A. Yes. I'm sorry.

1 Q. That's okay. You sent your resignation on
2 January 9th of 2024, correct?

3 A. Okay. Yes. This is '25. Sorry about
4 that.

5 Q. It's okay. It's only four months old.
6 Would you agree that law enforcement officers in
7 their course of employment with the government have
8 access to a lot of government property?

9 MR. GOTTESMAN: Objection.

10 Go ahead.

11 A. Yes.

12 Q. And that you receive a lot of government
13 property, correct?

14 A. Yes.

15 Q. Items like radios, correct?

16 A. Yes.

17 Q. Would you agree that when an officer
18 leaves their government employment, they should
19 return their government property?

20 A. Yes.

21 Q. Do you believe when a government demands
22 that an officer returns his property, that it's
23 unlawful for an officer to refuse?

24 A. Is the property issued to them?

25 Q. Well, property that belongs to the

1 government --

2 A. Oh, yes.

3 Q. -- whether it was issued to them or it
4 just became in the officer's possession for one
5 reason or another.

6 A. Yes.

7 Q. Okay. Would you agree that it reflects
8 poorly on officers to engage in hate speech?

9 MR. GOTTESMAN: Objection.

10 A. Yes.

11 Q. Would you agree that it reflects poorly on
12 officers to associate with people who engage in hate
13 speech?

14 MR. GOTTESMAN: Objection.

15 A. Engage as in agreeing or arguing with
16 them?

17 Q. Well, would you believe that it would
18 be -- reflect poorly on a law enforcement official
19 to be associated with a hate group, for instance?

20 A. Associated, yes.

21 Q. Do you believe that officers should
22 refrain from exhibiting prejudice generally?

23 MR. GOTTESMAN: Objection.

24 A. Yes.

25 Q. So a word has come up a lot that I think

1 is departmental and certainly nothing that I had
2 been exposed to before called malcontent. How do
3 you define malcontent?

4 A. Somebody that just continuously complains
5 and just complains and just shows up for the
6 paycheck.

7 Q. Is that a word that's been used in
8 Hamilton County since your like entire employment
9 there?

10 A. Yes. It's a word that's used.

11 Q. Okay. So it's kind of like a phrase that
12 is -- or a term, I guess, that's generally used to
13 describe certain deputies within the department?

14 A. Yes, sir.

15 Q. Have you ever used that word before?

16 A. Yes, sir.

17 Q. So you've described other people as a
18 malcontent at certain points in your career?

19 A. Yes, sir.

20 Q. Have you ever described yourself as a
21 malcontent?

22 A. No, sir.

23 Q. Have you ever admitted that at a certain
24 point in time that you acted as a malcontent?

25 A. No, sir.

1 Q. Have you ever made the statement that
2 said, quote/unquote, I was a malcontent?

3 A. I was a malcontent? I don't recall.

4 Q. Do you use social media at all?

5 A. Yes, sir.

6 Q. What platforms do you use?

7 A. Facebook, Instagram, and Twitter. I
8 believe I have another one. What's the other
9 called? I don't think anybody in here is young
10 enough. What's the other one?

11 MR. GOTTESMAN: TikTok?

12 A. I said TikTok, right?

13 Q. No, you did not say TikTok.

14 MR. WIEST: Myspace?

15 THE WITNESS: Did you say Myspace?

16 Wow.

17 Q. Do you think it is TikTok?

18 A. Yes, I do have TikTok.

19 Q. Well, you had not said that.

20 A. Okay.

21 Q. You had said previously Facebook,
22 Instagram, Twitter, which is now X -- it's the
23 artist formerly known as Twitter --

24 A. Yes.

25 Q. -- and then you think you use TikTok --

1 A. Yes.

2 Q. -- correct?

3 A. Yes.

4 Q. All right.

5 A. But there's one more that the --

6 Q. Feeds?

7 A. No. I didn't get on Feeds. It will come
8 to me.

9 Q. Is it Truth Media?

10 A. No. Because my son made fun of me for
11 having it, and I had no idea --

12 Q. Discord?

13 A. -- I had it. No.

14 MR. PREM: Snapchat?

15 A. Snapchat. Thank you. I didn't even know
16 I had it.

17 MR. MILLER-NOVAK: Okay. The
18 youngest person in the room came to your
19 rescue.

20 THE WITNESS: Thank you.

21 MR. PREM: I'm not young.

22 Q. Okay. That's a lot. Do you use all these
23 frequently or some more than others?

24 A. Mostly Facebook.

25 Q. Mostly Facebook. And your Facebook

1 account, is it just your name, Jason Davis?

2 A. Yes.

3 Q. What about your Instagram; is there some
4 kind of user name or --

5 A. I believe it's Coach Jason 73.

6 Q. Coach Jason 73. What about Snapchat?

7 A. I don't have a clue.

8 Q. Okay. You know you have it. You don't
9 use it much?

10 A. I don't think I've -- I don't recall ever
11 logging -- actually like using it or even getting on
12 it.

13 Q. What about X?

14 A. I believe it's another one -- it might be
15 Coach Jason.

16 Q. Okay. Coach Jason is something you just
17 use often?

18 A. 73, yes.

19 Q. And 73, that's your birth year?

20 A. No, sir. It was just a football number.

21 Q. Oh, okay. What position did you play?

22 A. A center and guard.

23 Q. Your wife, Jennifer, what platforms does
24 she use?

25 A. Facebook.

1 Q. Is that it?

2 A. That and Instagram.

3 Q. And Instagram. And then how does she go
4 on Facebook?

5 A. I believe it's -- that's horrible --
6 Jennifer Davis, I believe.

7 Q. She doesn't use the Patterson?

8 A. Maybe she does. I don't pay attention.

9 Q. Okay. Do you know her Instagram whatever
10 you call it?

11 A. Without looking -- I mean, I just see
12 Jennifer and, you know, I don't look to what the
13 name actually is.

14 (Defendants' Deposition Exhibit No. 1
15 was marked for identification.)

16 Q. Okay. Jason, I've just handed you what
17 we're going to mark as Defendants' Exhibit 1, which
18 is -- would you agree is a copy of your complaint
19 with jury demand?

20 A. Yes, sir.

21 Q. All right. And you understand that a
22 complaint is a document that essentially initiates
23 your lawsuit?

24 A. Yes, sir.

25 Q. Did you review this before it was filed?

1 A. Yes, sir.

2 Q. Did you read the entire document before it
3 was filed?

4 A. Yes, sir.

5 Q. Did you agree with all the statements made
6 in this document?

7 A. Yes, sir.

8 Q. Do you agree that all the statements in
9 this document are accurate?

10 A. Yes, sir.

11 Q. At least to your understanding and belief?

12 A. Yes.

13 MR. WIEST: Just for the record, he's
14 not a lawyer or a legal expert. I'm
15 assuming you're just talking about the
16 factual statements rather than the legal
17 conclusions or claims?

18 MR. MILLER-NOVAK: Yeah. I mean,
19 generally speaking I think that would be
20 correct.

21 Q. When I'm referring to the factual
22 allegations made in this complaint, you agree that
23 they are accurate, correct?

24 A. Yes.

25 Q. Okay. All right. We're going to kind of

1 go through this a little bit here for a while, okay?

2 A. Okay.

3 Q. All right. So we'll start with paragraph
4 10, which is on page three, okay?

5 A. Okay.

6 Q. So I'm not going to refer to page numbers
7 very frequently, Jason. So these numbers on the
8 left-hand side; do you see them?

9 A. Yes, sir.

10 Q. Even though a lot of them are just
11 sentences, we refer to these as paragraphs, okay?

12 A. Okay.

13 Q. So if I say paragraph 10, you can see how
14 it says 10 on the bottom?

15 A. Yes, sir.

16 Q. I'm referring to the whole paragraph
17 that's under that number, okay?

18 A. Yes, sir.

19 Q. All right. Now you know the mechanics.
20 We'll get going.

21 A. Sure.

22 Q. So it says, Jason began employment with
23 the Hamilton County Sheriff's Office, initially as a
24 corrections officer, in 2002, correct?

25 A. Yes, sir.

1 Q. And then in 2014 it says you transferred
2 to the road/patrol unit, correct?

3 A. Yes, sir.

4 Q. All that is accurate?

5 A. Yes, sir.

6 Q. Okay. In his 18 years on the job, it says
7 that your performances consisted of meets
8 expectations or exceeds expectations; do you see
9 that?

10 A. Yes, sir.

11 Q. It says you were never subject to
12 discipline; do you see that?

13 A. Yes, sir.

14 Q. Okay. Do you agree with that?

15 A. Yes, sir.

16 Q. Okay. So paragraph 11 says that you were
17 married to Jennifer in 2003; do you see that?

18 A. Yes.

19 Q. Okay. So earlier that's what you
20 testified?

21 A. Yes, sir.

22 Q. What is Jennifer's occupation?

23 A. She doesn't work anymore.

24 Q. She's currently unemployed?

25 A. Yes.

1 Q. When did she become unemployed?

2 A. Two years ago.

3 Q. Okay. What did she do before that?

4 A. She owned her own business.

5 Q. What was that business?

6 A. Ice cream.

7 Q. Like she owned an ice cream shop?

8 A. Yes, sir.

9 Q. What was it called?

10 A. Gold Top Dairy Bar.

11 Q. Oh, I think I remember that. That was off
12 of Colerain?

13 A. Colerain and Blue Rock. Uh-huh.

14 Q. Okay. It's like a dairy bar, correct?

15 A. Yes, sir.

16 Q. Soft serve, that kind of stuff?

17 A. Yes, sir.

18 Q. Okay. When did she start that?

19 A. She owned that for 19 years. So 2004, I
20 believe.

21 Q. Do you know if that was like an LLC or a
22 corporation?

23 A. LLC.

24 Q. Did she own it with anybody else or just
25 herself?

1 A. Just herself.

2 Q. Let's continue to paragraph 13 on the same
3 page -- or the next page. It should be on page
4 four.

5 A. Yes, sir.

6 Q. It says in -- well, you would agree that
7 Sheriff McGuffey was elected sheriff in November of
8 2020, so she began on January 4 of 2021, correct?

9 A. Yes, sir.

10 Q. Okay. Did you have any relationship or
11 any interactions with Sheriff McGuffey before she
12 was elected as sheriff?

13 A. Yes, sir.

14 Q. Okay. When did those occur?

15 A. Are you wanting from the time she was
16 running or even before that?

17 Q. Was she ever your supervisor?

18 A. Yes, sir.

19 Q. Let's go with that. Okay. When was that?

20 A. 2003.

21 Q. What was her rank at the time?

22 A. Captain.

23 Q. How would you describe your relationship
24 with her when she was captain?

25 A. We had a great working relationship.

1 Q. And that was in corrections, correct?

2 A. Yes, sir.

3 Q. Prior to her being elected sheriff, did
4 you have any disputes or disagreements with Sheriff
5 McGuffey?

6 A. Yes, sir.

7 Q. When did those occur?

8 A. A year?

9 Q. Yes.

10 A. I believe 2014.

11 Q. And what was that?

12 A. I was the union president.

13 Q. Okay. And what happened?

14 A. I would come to her with grievances, and
15 we would try to resolve them without going to -- any
16 further than her office.

17 Q. And she was a major at that time?

18 A. Yes, sir.

19 Q. Okay. So when you're talking about
20 disagreements, you're talking about grievances?

21 A. Yes.

22 Q. So you tried to work them out before they
23 were filed?

24 A. Yes, sir.

25 Q. Okay. So if a deputy would come to you

1 with a concern, you would try to talk to her before
2 you initiated a grievance procedure?

3 A. Yes, sir.

4 Q. Okay. So you're describing one event
5 maybe that didn't go so well?

6 A. I mean, each grievance was always a back
7 and forth, you know. We're saying you're violating
8 our contract and she's saying you're not. So there
9 was always an argument in that aspect of it.

10 Q. So that's what you're describing of maybe
11 past debates with Sheriff McGuffey before she was a
12 sheriff were these grievance conversations?

13 A. Yes.

14 Q. Okay. So you were a union president when?

15 A. I'm positive '14 -- 2014. I would -- 2013
16 and '14, I believe.

17 Q. Okay.

18 A. That's my best knowledge.

19 Q. So about two years?

20 A. Yes, sir.

21 Q. Did you ever serve in any other capacity
22 in the union?

23 A. I was a union member -- or on the union
24 board for maybe -- years prior to that. I was
25 always on the union board.

1 Q. Okay. So you're pretty familiar with
2 grievance procedures then with any union contract,
3 correct?

4 A. Yes, sir.

5 Q. Okay. So to take a step back, the
6 Sheriff's Department has a collective bargaining
7 unit?

8 A. Yes, sir.

9 Q. And certain officers are not part of the
10 bargaining unit, correct?

11 A. (No response.)

12 Q. Like a major, for instance?

13 A. Oh, yeah. Yeah. I'm sorry. Yes.

14 Q. Right?

15 A. Yes.

16 Q. Right. But deputies are typically part of
17 the --

18 A. Yes.

19 Q. -- collective bargaining unit, correct?

20 A. Yes, sir.

21 Q. All right. And a collective bargaining
22 agreement is a contract that the union negotiates
23 with the County, correct?

24 A. Yes, sir.

25 Q. Okay. Because your collective bargaining

1 agreement is three years, correct?

2 A. It's. . .

3 Q. At a time?

4 A. Yes.

5 Q. Okay.

6 A. Yeah, three years. I'm sorry.

7 Q. That's okay. That's fine. Don't worry.

8 I didn't mean to test you.

9 A. No, you're fine.

10 Q. I'm just seeing what you know. So you
11 have a collective bargaining agreement. And that
12 includes processes like grievances, correct?

13 A. Yes, sir.

14 Q. And things like predetermination hearings,
15 correct?

16 A. Yes, sir.

17 Q. And progressive discipline, correct?

18 A. Yes, sir.

19 Q. And I have looked at yours obviously, but
20 it has different pay grades for different steps,
21 correct?

22 A. Yes, sir.

23 Q. For different positions, correct?

24 A. Yes, sir.

25 Q. And there's different processes for

1 promotion contained within the agreement, correct?

2 A. Yes, sir.

3 Q. And if those are not followed by, let's
4 say, the administration or management for lack of
5 better wording, then a union member can file a
6 grievance, correct?

7 A. Yes, sir.

8 Q. So any time he feels that a procedure has
9 been violated or his rights under the agreement have
10 been violated, that deputy would have the option of
11 filing a grievance, correct?

12 A. If it's something that could be proved,
13 yes, sir.

14 Q. Okay. And in addition to that you would
15 agree that discipline tends to have to follow a
16 certain procedure, correct?

17 A. Yes, sir.

18 Q. It's pretty unlikely for a deputy to just
19 be fired for one instance, correct?

20 A. Correct.

21 Q. Typically speaking there's a progressive
22 disciplinary process that's followed, correct?

23 A. Yes, sir.

24 Q. And it usually starts with some kind of
25 verbal counseling, correct?

1 A. Counseling, yes, sir.

2 Q. And then it would go to maybe more of a
3 written reprimand, correct?

4 A. Yes, sir.

5 Q. And those things might end up in a
6 personnel file, correct?

7 A. Yes.

8 Q. And before it got to something like -- so
9 those tend to happen before it gets to something
10 like a suspension, correct?

11 A. Yes.

12 Q. Or it got to something like a demotion,
13 correct?

14 A. Yes. Yes.

15 Q. And that before someone could be
16 suspended, they have a right to usually challenge
17 their suspension, correct?

18 A. Yes.

19 Q. And they could ask for a hearing, correct?

20 A. Yes, sir.

21 Q. And at that hearing they could present
22 evidence, correct?

23 A. Yes.

24 Q. And they could have some kind of
25 representation in that hearing, correct?

1 A. Yes.

2 Q. Okay. And at any point they could file a
3 grievance if they feel their discipline is somehow
4 in violation of the spirit of the agreement,
5 correct?

6 A. Correct.

7 Q. So you're familiar with all of those
8 processes, correct?

9 A. Yes, sir.

10 Q. And you're familiar with all the options
11 available to a deputy who feels like his rights have
12 been violated, correct?

13 A. My contract, yes, sir.

14 Q. Okay. And you're also aware of all the
15 protections a deputy has if the administration tries
16 to discipline a deputy, correct?

17 MR. GOTTESMAN: Objection.

18 Go ahead.

19 A. Yes. If it violated the contract, yes,
20 sir.

21 Q. Or if they were disciplining a deputy
22 without a just cause, correct?

23 A. I would refer to an attorney at that
24 point.

25 Q. Okay. You would agree that a union

1 agreement requires that deputies are only terminated
2 with just cause, correct?

3 A. Yes, sir.

4 Q. Before they're terminated they have the
5 option of a predetermination hearing, correct?

6 A. Yes.

7 Q. We often call that a Loudermill hearing,
8 correct?

9 A. I have no. . .

10 Q. You're not familiar with that phrase?

11 A. No, sir.

12 MR. GOTTESMAN: Some of these
13 questions I need to interpose objections.
14 I need you to slow down and allow me to
15 give my objections, okay?

16 THE WITNESS: Yes, sir.

17 Q. So before you were terminated as a deputy,
18 you're allowed to ask for a hearing before the
19 termination, correct?

20 MR. GOTTESMAN: Objection.

21 A. I would not know.

22 Q. Okay. Well, maybe we'll look at the
23 agreement later. But you do know that there are
24 certain stages where you are allowed to request
25 predetermination hearings before certain discipline

1 and certain termination, correct?

2 MR. GOTTESMAN: Objection.

3 A. Yes, sir.

4 MR. GOTTESMAN: And, Counsel, I don't
5 think it's a matter of tremendous
6 significance, but part of my objection to
7 those questions was to the form in the
8 sense that he worked for the Sheriff's
9 Office for years. There were multiple
10 bargaining agreements -- successive
11 bargaining agreements that would have
12 applied to that period of -- that
13 extensive period of employment.

14 And your question was a little vague
15 as to which particular bargaining
16 agreement you were referring to. And I
17 know firsthand that they changed during
18 those time periods. So my objection goes
19 to the form and it was vague as to time
20 and which contract you were referring to.

21 Q. Do you remember any union agreement that
22 did not contain grievance procedures?

23 A. No, sir.

24 Q. Okay. So all the union agreements at the
25 Sheriff's Department had some form of grievance

1 procedure, correct?

2 A. I believe so.

3 Q. And all the union agreements that you can
4 remember had some form of predetermination hearings
5 before someone is terminated, correct?

6 MR. GOTTESMAN: Objection.

7 Go ahead.

8 A. I believe so. I never had to represent
9 somebody for termination.

10 Q. And that all of the union agreements had
11 some type of progressive disciplinary policy,
12 correct?

13 A. Yes.

14 Q. Okay. Your complaint alleges in paragraph
15 13 that when McGuffey was elected Sheriff in 2020
16 and took office about January 4, 2020 -- she took
17 office in 2021. Sorry. That's 12.

18 It says, She began her term as Sheriff
19 with a press conference; do you see that?

20 A. Yes, sir.

21 Q. Is that your recollection?

22 A. Yes, sir.

23 Q. All right. It says in her press
24 conference -- this is the next paragraph 13, she
25 stated her number one priority as Sheriff was

1 responding to COVID-19; do you see that?

2 A. Yes.

3 Q. Okay. Are you aware whether or not any
4 deputies became ill from COVID-19 working in the
5 Justice Department?

6 MR. GOTTESMAN: Objection.

7 Go ahead.

8 A. In the Sheriff's Department?

9 Q. Yes.

10 A. Yes, sir.

11 Q. Okay. Are you aware of any deputies that
12 lost their lives to COVID during that time period?

13 A. I believe one from the jail.

14 Q. Are you aware of whether or not any
15 inmates became ill from COVID in the jail?

16 A. No, sir. I didn't work the jail at that
17 time.

18 Q. Okay. Are you aware of whether or not any
19 inmates lost their lives because of COVID in the
20 jail during that time period?

21 A. I do not know.

22 Q. So in paragraph 14 it says, During that
23 press conference on or about January 4, 2021,
24 Jennifer posted on the Sheriff's social media page
25 that had been live streaming the press conference,

1 that the Sheriff's priorities were misaligned, and
2 that officer safety and suicides should be the
3 number one priority. A true and accurate copy of
4 the post is attached as Exhibit 1; do you see that?

5 A. Yes, sir.

6 Q. Do you mind turning with me to Exhibit 1?

7 A. Is it towards the back or. . .

8 Q. Yep. It's kind of past page 15.

9 MR. WIEST: Page 16.

10 Q. And this looks like a printout -- on
11 Exhibit 1, a printout of comments that were made
12 relating to this streamed press conference; do you
13 agree with that?

14 A. Yes, sir.

15 Q. Okay. And one of them is from Jennifer
16 Patterson Davis. Is that your wife?

17 A. Yes.

18 Q. And it says, What a shit show; do you see
19 that?

20 A. Yes, sir.

21 Q. Okay. So you agree that that's your wife
22 that commented what a shit show?

23 A. Yes, sir.

24 Q. Okay. And then the next comment is your
25 number one concern as sheriff is COVID? Where is my

1 eyeroll emoji. Do you see that?

2 A. Yes, sir.

3 Q. Do you agree that was Jennifer's post?

4 A. Yes, sir.

5 Q. And a couple of posts down it says -- or
6 comments down -- I guess I should use the word
7 comment -- then maybe she should have run for a
8 public health position, not sheriff; do you see
9 that?

10 A. Yes, sir.

11 Q. Okay. And then lower down it says Elaine
12 Moscovitz; do you see that?

13 A. Yes.

14 Q. Number one priority though? I didn't say
15 it shouldn't be addressed, but my biggest health
16 priority would be officers coming home safe to their
17 families without a bullet in their head and not
18 coming home with the flu; do you see that?

19 A. Yes.

20 Q. What does she mean by the flu; do you
21 know?

22 A. No.

23 Q. Okay. Do you agree that COVID-19 and the
24 flu are two different diseases?

25 MR. GOTTESMAN: Objection.

1 A. My opinion?

2 Q. Yes.

3 A. No.

4 Q. You don't think they're two different
5 diseases?

6 MR. GOTTESMAN: Objection.

7 A. No.

8 MR. GOTTESMAN: You got to let me --

9 THE WITNESS: Sorry.

10 MR. GOTTESMAN: -- get my objections
11 out.

12 Q. Okay. So you don't believe that COVID is
13 something that exists?

14 MR. GOTTESMAN: Objection.

15 Go ahead.

16 A. I didn't say that.

17 Q. So I don't understand. So your opinion is
18 that the flu and COVID are the same thing?

19 MR. GOTTESMAN: Objection. Asked and
20 answered.

21 A. My opinion.

22 Q. Okay. How did you formulate that opinion?

23 MR. GOTTESMAN: Objection.

24 A. I just believe it's another strain of the
25 flu. It's just my opinion.

1 Q. Okay. Have you ever attended any kind of
2 medical training?

3 A. Nope.

4 Q. Okay. So is it your belief that Sheriff
5 McGuffey should not address or should not be
6 addressing at this point in time COVID-19 within the
7 Sheriff's Department?

8 MR. GOTTESMAN: Objection.

9 A. My opinion at this time?

10 Q. Yes.

11 A. Watching that I -- I agree with my wife.

12 Q. Did you and your wife talk about it at all
13 while the streaming was occurring?

14 A. I do not recall.

15 Q. Have you ever talked to your wife about
16 the Sheriff's positions regarding COVID-19 at the
17 time?

18 A. I -- yes.

19 Q. Okay. And were you critical of the
20 Sheriff's positions to your wife during that time
21 period?

22 A. I don't recall.

23 Q. Were you aware that your wife was
24 commenting during the streamed press conference?

25 A. I do not recall.

1 Q. When did you first become aware of these
2 comments?

3 A. I don't remember. I don't recall.

4 Q. Have you ever -- around this point in time
5 after -- in the time leading up to Sheriff
6 McGuffey's election, were you critical of her
7 campaign at home?

8 A. Yes.

9 Q. Okay. Why were you critical of her
10 campaign?

11 A. Because she lied on her debate on TV with
12 Hoffbauer.

13 Q. With who?

14 A. When she debated Hoffbauer.

15 Q. Okay. Do you feel that she lied?

16 A. Absolutely.

17 Q. What do you feel that she lied about?

18 A. When she stated she never cursed or
19 belittled any of her employees.

20 Q. Okay. So you feel like she has belittled
21 her employees in the past?

22 A. I'm one of them.

23 Q. Okay. So she belittled you in your
24 opinion?

25 A. Yes.

1 Q. How did she belittle you?

2 A. When she was the major and we had a
3 disagreement on what was said about a policy, and
4 she accused me of lying and attacking my integrity.

5 Q. How did she attack your integrity?

6 A. Said that I was lying.

7 Q. Okay. When did that occur exactly?

8 A. I don't remember the exact year. I just
9 know she was the major.

10 Q. Would it have been in the time that you
11 were the union president?

12 A. Yes, sir.

13 Q. Okay.

14 A. I don't remember. That was '13 or '14.

15 Q. Okay. We're going to kind of flip around
16 this complaint.

17 A. Okay. Just throw me a page number.

18 Q. Yeah, get ready for some paper
19 calisthenics here, Jason. So can you turn to --
20 we'll go to paragraph 15, which is on page four.

21 A. All right.

22 Q. So Jennifer followed that post with
23 another post to her private Facebook page on or
24 about January 4, 2021, again criticizing the
25 priorities and action of the Hamilton County

1 Sheriff, a true and accurate copy of which is
2 attached as Exhibit 2, hereto.

3 So before we go to Exhibit 2, I can see
4 you're going -- that's fine.

5 A. Sorry.

6 Q. Your instincts are right. We are going to
7 go. But let me ask you a couple of questions before
8 we get there.

9 A. Okay.

10 Q. Thanks. This is kind of just so we get
11 our Facebook language down together. I always do
12 this. This is like a thing I have to do in all
13 depositions now.

14 So my understanding is a post is when you
15 make the first thing, right -- you post it, correct?

16 A. Yes.

17 Q. Okay. So on your Facebook News Feed,
18 let's just say you leave here, you have dinner, you
19 go to the bar, say this is me Jason, I'm at a bar,
20 just got out of a deposition, it totally sucked,
21 that would be a post, correct?

22 A. Yes.

23 Q. Okay. And then if anybody made a comment
24 underneath that saying, whoa, that sounds terrible,
25 that would be a comment, correct?

1 A. Yes.

2 Q. Okay. And then if anybody replied to that
3 comment underneath it, that's referred to as a
4 reply, correct?

5 A. Yes.

6 Q. All right. So my understanding of
7 Facebook is it's somewhat like a tree, the trunk is
8 the post, correct?

9 A. Uh-huh.

10 Q. Right?

11 A. Uh-huh.

12 Q. And then you have like --

13 A. Yes.

14 Q. -- the main branches -- yes.

15 A. Yes.

16 Q. You have to say yes. Okay. And then you
17 have these main branches, which are comments,
18 correct?

19 A. Yes.

20 Q. And then you have these little twigs,
21 which are replies to the comments, right?

22 A. Yes.

23 Q. All right. So we're on the same
24 understanding of Facebook now. So the reason I say
25 that is because this refers to what we just read in

1 Exhibit 1 as a post -- Jennifer's post. I
2 understood them as Jennifer's comments on another
3 post; would you agree with that?

4 A. Well, one more time.

5 Q. We can go back to Exhibit 1. That's fine.
6 Let's go back to Exhibit 1. These are comments to
7 another post, correct?

8 A. I don't know. Sorry.

9 MR. MILLER-NOVAK: It's okay. All
10 right. Well, we'll go to Exhibit 2.

11 MR. GOTTESMAN: And, Counsel, I'm no
12 pro at Facebook, but I think that there
13 might be a third option where you have
14 streaming something and then there's like
15 rolling comments that are not really a
16 post and they're not a comment on a post.

17 MR. MILLER-NOVAK: They're not a
18 comment on a post. They're a comment on a
19 stream.

20 MR. GOTTESMAN: Right.

21 MR. MILLER-NOVAK: Which is what I
22 understood those to be. They weren't
23 actually Jennifer's posts or her streams.
24 Those were her comments on another stream.

25 MR. GOTTESMAN: On a rolling stream.

1 MR. MILLER-NOVAK: I think on record
2 we agree to at least that. It might be
3 the last thing we agree to, but we'll
4 agree to that. All right.

5 BY MR. MILLER-NOVAK:

6 Q. So Exhibit 2 is what paragraph 15 was
7 referring to, correct?

8 A. Okay.

9 Q. And this is a post made by Jennifer
10 Patterson Davis; do you agree?

11 A. Yes.

12 Q. Okay. And it starts with, I really don't
13 like seeing political posts continuously on FB --
14 which I understand is Facebook, correct?

15 A. Yes.

16 Q. Because like they say, opinions and --
17 are -- it says and like assholes. I'm assuming she
18 meant opinions are like assholes, correct?

19 MR. GOTTESMAN: Objection.

20 A. Yes.

21 Q. Everybody has one and they probably stink;
22 do you see that?

23 A. Yes.

24 Q. Okay. That is unless you are one of those
25 weirdos that bleaches your asshole and does those

1 colon cleanse things, but I digress; do you see
2 that?

3 A. Yes.

4 Q. Okay. Do you agree that this is Jennifer
5 Davis's, your wife's post on January 4, 2021?

6 A. Yes.

7 Q. Okay. And it continues as you see a
8 little bit down that our new -- and she put sheriff
9 in quotes -- says her number one issue she is going
10 to tackle her first weeks in office is COVID; do you
11 see that?

12 A. Yes.

13 Q. Okay. Does she have a clue what actually
14 are the real health concerns in the law enforcement
15 community; do you see that?

16 A. Yes.

17 Q. Okay. So during the campaign were you
18 discussing any of your misgivings or dissatisfaction
19 with Sheriff McGuffey with your wife?

20 A. I don't recall.

21 Q. Okay. So did you discuss your happiness
22 or lack thereof at work with your wife prior to
23 Sheriff McGuffey's election?

24 A. I don't recall.

25 Q. Okay. You don't recall whether or not

1 you've ever had conversations about your job with
2 your wife?

3 A. Yes.

4 Q. Okay. You just don't recall when?

5 A. I don't recall when and what exactly was
6 said.

7 Q. Did you know that your wife made this post
8 after she made it?

9 A. I don't recall.

10 Q. When did you first become aware of this
11 post?

12 A. I don't recall that either.

13 Q. Okay. Was it before this lawsuit was
14 filed?

15 A. Yes.

16 Q. Was it before your meeting with the
17 Sheriff and the Chief on October -- in October of
18 2023?

19 A. I don't recall.

20 Q. Was it before you applied for RENU?

21 A. Yes.

22 Q. Okay. How did you find out about this
23 post before you applied to RENU?

24 A. I believe she said she posted something on
25 her private page.

1 Q. Okay. So your wife told you that she
2 posted something on her private page?

3 A. Yes.

4 Q. Did she tell you what it was about?

5 A. I don't recall.

6 Q. Towards kind of like the middle end it
7 starts with this person is nothing more than a
8 politician; do you see that line?

9 A. Yes.

10 Q. It says, This person is nothing more than
11 a politician and is nowhere near qualified to be a
12 sheriff; do you see that?

13 A. Yes.

14 Q. Okay. Did your wife tell you that she
15 wrote that?

16 A. I don't recall.

17 Q. If you voted for her because of her
18 qualifications, not being a certified peace
19 officer -- it says in a parenthetical -- being fired
20 from the department or being on the Brady list, then
21 you have the IQ of a kumquat; do you see that?

22 A. Yes.

23 Q. Did you know that your wife wrote that?

24 A. I don't recall.

25 Q. Did she tell you that she wrote that?

1 A. I don't recall.

2 Q. If you voted for her because of her
3 political party or thought it would be neat to see a
4 gay woman as a sheriff, then you are a twatwaffle;
5 do you see that?

6 A. Yes.

7 Q. Did she tell you that she wrote that?

8 A. I don't recall.

9 Q. Did you talk to your wife about Sheriff
10 McGuffey's sexual orientation at all?

11 MR. GOTTESMAN: Objection. It's
12 vague as to time.

13 A. No.

14 Q. Have you ever discussed Sheriff McGuffey's
15 sexual orientation with anybody?

16 MR. GOTTESMAN: Same objection.

17 A. I don't -- I don't recall.

18 Q. Did your wife tell you that she talked
19 about the Sheriff's sexual orientation in this post?

20 A. I don't recall that.

21 Q. Has your wife ever talked to you about
22 Sheriff McGuffey's sexual orientation?

23 A. I don't recall. No.

24 Q. Do you believe that there's something
25 wrong with voters wanting to see or thinking that it

1 would be neat to see a gay woman in charge?

2 MR. GOTTESMAN: Objection.

3 Could you read that question back.

4 THE COURT REPORTER: Yes, of course.

5 "Do you believe that there's
6 something wrong with voters wanting to see
7 or thinking that it would be neat to see a
8 gay woman in charge?"

9 MR. GOTTESMAN: Object to form.

10 You can answer, if you can.

11 A. No.

12 Q. Do you know if there are other gay women
13 in the department aside from Sheriff McGuffey?

14 MR. GOTTESMAN: Objection.

15 A. Yes.

16 Q. Do you agree that gay women have ever
17 suffered discrimination in police service?

18 MR. GOTTESMAN: Objection.

19 A. I'm sure.

20 Q. Did your wife discuss with you why she
21 thinks people are twatwaffles if they consider it
22 neat to see a gay woman in charge?

23 A. No.

24 Q. Do you agree with that statement that your
25 wife made now that you're reading it?

1 MR. GOTTESMAN: Objection.

2 A. Well, she's referring to the political
3 party as well, so I think it's funny.

4 Q. You think this statement is funny?

5 A. Yes.

6 Q. Okay. She refers to the political, but it
7 does say or -- or thought it would be neat to see a
8 gay woman as sheriff, then you are a twatwaffle.
9 That's what you think is funny?

10 MR. GOTTESMAN: Objection.

11 A. I just think the word in general is funny.

12 Q. Oh, the word twatwaffle is funny?

13 A. Yes.

14 Q. Okay. What do you think twatwaffle means
15 in this context?

16 A. Just -- I don't know. I've actually never
17 Googled the word, so. . .

18 Q. Do you think that she's basically
19 suggesting that people are an idiot?

20 MR. GOTTESMAN: Objection. Calls for
21 speculation.

22 A. I don't know. You'd have to ask her.

23 Q. Okay. Do you think it's a compliment of
24 someone's character?

25 MR. GOTTESMAN: Objection.

1 A. No.

2 Q. Okay. It's derogatory, correct?

3 MR. GOTTESMAN: Objection.

4 A. Yes.

5 Q. I mean, does anything about the word
6 twatwaffle strike you as a compliment to somebody's
7 intellect?

8 MR. GOTTESMAN: Objection.

9 A. No.

10 Q. Okay. You'd agree that it's something
11 that is at least derogatory in nature about
12 somebody's intellect, correct?

13 MR. GOTTESMAN: Objection.

14 A. Yes.

15 Q. And then when you read this sentence, what
16 she intends to say is that if you thought it would
17 be neat to see a gay woman as a sheriff, then you're
18 someone of questionable intellect?

19 MR. GOTTESMAN: Objection.

20 A. Are you asking what I think she's trying
21 to say or what I -- what I believe?

22 Q. Well, I'm asking you what you think she
23 said in that sentence.

24 A. You'd have to ask --

25 MR. GOTTESMAN: Hold on.

1 THE WITNESS: Sorry.

2 MR. GOTTESMAN: Objection. Calls for
3 speculation.

4 A. You'd have to ask her.

5 Q. Okay. All right. Because you can't
6 read -- can you read?

7 MR. GOTTESMAN: That's argumentative.

8 MR. MILLER-NOVAK: No, it's not.

9 MR. GOTTESMAN: You know he can read.

10 Q. You can read, correct?

11 A. Yes.

12 Q. And that when you read, you can comprehend
13 what you read, correct?

14 A. Yes.

15 Q. And you can read a sentence and you can
16 take away your own understanding from it, correct?

17 A. Yes.

18 Q. Okay. So when you read a book -- have you
19 ever read a book?

20 A. Yes.

21 Q. Have you ever read a novel?

22 A. Yes.

23 Q. Do you have to call the author to ask the
24 author what you think you understand when you read
25 the book?

1 MR. GOTTESMAN: Objection.

2 A. No.

3 Q. Okay. So you can read a book and you can
4 understand what you think someone meant when they
5 wrote, correct?

6 A. Correct.

7 Q. Okay. So what do you think your wife
8 meant when she wrote this sentence?

9 A. I'm not going to speculate what she
10 thinks. I don't know what she was thinking. You'd
11 have to ask her.

12 Q. What do you understand it to mean?

13 A. I understand it to mean that it's a funny
14 comment.

15 Q. Okay. Why do you think it's funny?

16 A. I've answered that question already.

17 Q. Well, you said the word twatwaffle is
18 funny.

19 A. That's the funny part.

20 Q. Okay. That's the only thing you
21 understand in this whole entire sentence is the word
22 twatwaffle?

23 A. No. You were asking me what I thought it
24 meant -- what she meant by saying that.

25 Q. Okay. I'm asking about the sentence.

1 What do you think she meant?

2 A. You'd have to ask her.

3 Q. Okay. What do you understand when you
4 read that sentence?

5 MR. GOTTESMAN: Counsel, you've asked
6 him that now three or four times. I'm
7 going to instruct him not to answer. He's
8 given you his answer.

9 MR. MILLER-NOVAK: I haven't asked --

10 MR. GOTTESMAN: You're going back --
11 well, I'm instructing him to stop right
12 now. And move on with your next question.

13 MR. MILLER-NOVAK: Okay. Is it
14 privileged?

15 MR. GOTTESMAN: It's argumentative.

16 MR. MILLER-NOVAK: No, it's not.

17 MR. GOTTESMAN: Yeah, I believe it
18 is. And I'm not going to debate it with
19 you.

20 MR. MILLER-NOVAK: So is the
21 argumentative reason to instruct the
22 client not to answer under the Civil Rules
23 of --

24 MR. GOTTESMAN: I think you're
25 harassing him. And I think it's

1 argumentative. And I think it's
2 unnecessary. And I'm instructing him not
3 to answer you further. And I'm asking you
4 to move on. And if you care to take it
5 up, you can take it up.

6 MR. MILLER-NOVAK: Okay. Can you
7 please certify that?

8 THE COURT REPORTER: Yes.

9 (The question was certified.)

10 BY MR. MILLER-NOVAK:

11 Q. As a deputy at this time would you have
12 typed that sentence and put it on Facebook?

13 A. That actual -- verbatim, that sentence?

14 Q. Yes.

15 A. No.

16 Q. So this is not a post that you would have
17 made yourself as a deputy at that time?

18 A. No.

19 Q. Why not?

20 A. Because my Facebook posts -- since I coach
21 kids, I have a lot of families that are on my -- and
22 my account is open to the public. It's not a
23 private account.

24 Q. Do people when they look at your Facebook
25 account -- do they know that you were a deputy at

1 that point in time?

2 MR. GOTTESMAN: Objection. Calls for
3 speculation.

4 A. I have no idea.

5 Q. Did you hold yourself out as a deputy at
6 that point in time on Facebook?

7 MR. GOTTESMAN: What point in time?

8 Q. When was this post made? January of 2021.

9 A. I don't recall.

10 Q. Okay. Did you ever type anything where
11 you identified yourself as a deputy on Facebook
12 between the years 2021 and 2023?

13 A. I -- I can't answer that. I don't recall.

14 Q. Okay. Let's go back to Exhibit 6 --
15 sorry. Paragraph 16.

16 A. 16.

17 Q. I don't even know where I got that. It
18 says, Caroline Adams is a particularly outspoken
19 critic of McGuffey, and has offered various
20 criticisms of McGuffey and Gramke via her pages Chaz
21 the Anti-Sheriff and Itsa Krakken; do you see that?

22 A. Yes.

23 Q. Do you know Caroline Adams?

24 A. No.

25 Q. Have you ever met Caroline Adams?

1 A. No.

2 Q. Have you ever talked to her?

3 A. No. Not that I know of.

4 Q. Okay.

5 A. I don't know.

6 Q. Are you aware of her?

7 A. Through this, yes.

8 Q. Okay. When you say through this, through
9 this sentence?

10 A. Through the identity of Itsa Krakken
11 through the -- when it came out who -- through the
12 Sheriff when she said Caroline Adams, I didn't know
13 who -- who that account was associated to.

14 Q. Okay.

15 A. If that makes sense.

16 Q. Did you know about the account before that
17 point in time?

18 A. Yes.

19 Q. Okay. Well, let's take a step back. So
20 you're saying -- well, which account, like Chaz the
21 Anti-Sheriff?

22 A. No. Itsa Krakken.

23 Q. Itsa Krakken. When did you first become
24 familiar with Itsa Krakken?

25 A. I don't recall.

1 Q. Okay. Was it prior to Sheriff McGuffey
2 getting elected?

3 A. I don't recall.

4 Q. What about Chaz the Anti-Sheriff; did you
5 have any familiarity with that?

6 A. I don't recall.

7 Q. Okay. So what awareness or knowledge of
8 Itsa Krakken did you have?

9 A. There was people just sharing the posts
10 that were posted on Facebook.

11 Q. Okay. Who was sharing them?

12 A. Officers at work.

13 Q. Okay. Do you remember any of those
14 deputies?

15 A. No, I don't recall.

16 Q. And when they were sharing it, how were
17 they sharing it?

18 A. Just by word of mouth.

19 Q. So just kind of describing it?

20 A. Yes.

21 Q. Okay. Were they generally supportive of
22 Itsa Krakken, or were they offended by Itsa Krakken;
23 what was the general nature of the discussions?

24 MR. GOTTESMAN: Objection.

25 A. More of laughter, more of entertainment.

1 Q. Are you aware that some of those comments
2 made derogatory statements about -- or whether or
3 not any of those comments made derogatory statements
4 about Sheriff McGuffey's sexual orientation?

5 A. I don't recall.

6 Q. Do you know if Jennifer has any
7 relationship with Caroline Adams?

8 A. I have no idea.

9 Q. Have you ever spoken to Caroline Adams
10 since this lawsuit has been filed?

11 A. I have not.

12 Q. Do you know if Jennifer has ever talked to
13 Caroline Adams since this lawsuit has been filed?

14 A. I have no idea.

15 Q. Do you know if Jennifer has ever talked to
16 Caroline Adams at all?

17 A. I can't -- I have no idea.

18 Q. Has Caroline Adams ever sent anything to
19 you?

20 A. Yes.

21 Q. What has she sent to you?

22 A. She sent a message to me -- I don't
23 remember the year -- asking if she got me in
24 trouble. And I thought it was our Internal Affairs
25 to see if I would answer her or not, so I never

1 replied back.

2 Q. So was that sent while you were still at
3 the Sheriff's Department?

4 A. Yes.

5 Q. Do you still have that message?

6 A. I don't know. I have no idea.

7 Q. Okay. All right. What did she send it to
8 you on?

9 A. Messenger.

10 Q. Like Facebook Messenger?

11 A. Yes.

12 MR. MILLER-NOVAK: Well, I'm going to
13 ask that you look and that he produces it
14 if he still has it, please.

15 MR. GOTTESMAN: Okay.

16 Q. So you didn't reply, though?

17 A. No. I thought it was our Internal
18 Affairs.

19 Q. Was it sent as Caroline Adams or like Itsa
20 Krakken?

21 A. I don't recall.

22 Q. Okay. That's fair. So that would have
23 been kind of in the 2023 time period, correct?

24 A. Maybe -- I don't know. I'm not positive.

25 Q. Did anybody at the Sheriff's Department

1 that was discussing Caroline Adams' post -- did any
2 of them discuss with you that they knew her?

3 A. I don't recall.

4 Q. Okay. Did anybody ever discuss with you
5 sending her information?

6 A. No.

7 Q. Okay. Do you know how she -- do you have
8 any idea why she was sending you a message asking if
9 she got you in trouble?

10 A. Are you asking why she sent the message?

11 Q. Yes.

12 A. I have no idea.

13 Q. Do you have any idea how she would get the
14 impression or would have any information while you
15 were there that you were in some kind of trouble?

16 MR. GOTTESMAN: Objection.

17 A. No clue.

18 THE WITNESS: I'm sorry.

19 MR. GOTTESMAN: Go ahead.

20 Q. Your answer is no clue?

21 A. I have no idea.

22 Q. Okay. Did you receive that Messenger
23 message before or after the meeting you had with
24 Sheriff McGuffey in October of 2023?

25 A. I don't recall.

1 Q. Okay.

2 A. I'm not positive.

3 Q. Why would you think it was Internal
4 Affairs that sent you the message?

5 A. Because the Sheriff came around and told
6 us not to have any contact with her.

7 Q. Okay. When was that?

8 A. That was when they came around to our
9 briefings.

10 Q. Okay. Let's go to paragraph 18 on page
11 five. It says, As a consequence of Adams' post and
12 criticism, McGuffey and Gramke engaged in meetings
13 with members of the Hamilton County Sheriff's Office
14 and informed deputies that if they, or their
15 spouses, associated in any way with Adams, including
16 by interacting with her on social media, there would
17 be consequences; do you see that?

18 A. Yes, sir.

19 Q. Okay. Do you agree with this statement?

20 A. As in that it was stated or. . .

21 Q. Well, I mean, this statement was clearly
22 stated by -- your counsel wrote paragraph 18. Do
23 you agree with the substance of paragraph 18?

24 A. Oh, yes. I'm sorry. Okay. I took that
25 the wrong way.

1 Q. So is it your testimony today that you met
2 with either McGuffey or Gramke to discuss Caroline
3 Adams as described in this paragraph?

4 A. So that was the briefing meeting.

5 Q. Okay. What briefing meeting?

6 A. When they came around to the districts.

7 Q. Okay. When did that occur?

8 A. I don't recall.

9 Q. Was it prior to your RENU application?

10 A. It was after.

11 Q. It was after you applied to RENU?

12 A. Yes.

13 Q. Was it before or after your RENU
14 application was rejected?

15 MR. GOTTESMAN: Object to the form.

16 A. It was after.

17 Q. Okay. So during that meeting your
18 allegation is during this briefing that Sheriff
19 McGuffey and Gramke told deputies to not associate
20 with Adams?

21 A. In the briefing?

22 Q. Yes.

23 A. Yes.

24 Q. What was their precise statement?

25 A. I can't recall the exact wording. I can't

1 remember the exact wording.

2 Q. Okay. Did they tell deputies in that
3 briefing for their spouses to not associate with
4 Adams?

5 A. The Sheriff did, yes.

6 Q. Okay. What was her statement?

7 A. Not verbatim, but it was stay off social
8 media -- or, I'm sorry -- we're having -- we're
9 addressing this due to things being said on social
10 media by officers' wives.

11 Q. And this alleges that someone made the
12 statement there would be consequences?

13 A. Yes.

14 Q. Okay. And who do you allege made that
15 during this briefing?

16 A. The Sheriff.

17 Q. Okay. Who else was at this briefing?

18 A. District 5.

19 Q. Every deputy in District 5?

20 A. Mostly dayshift.

21 Q. Was this briefing recorded?

22 A. I do not know.

23 Q. Did you record it?

24 A. I did not.

25 Q. Do you know if anybody else recorded it?

1 A. I do not know.

2 Q. Do you know if any recordings exist of it
3 whatsoever?

4 A. I do not know.

5 Q. At this point in time did anybody ever
6 mention anything to you about your wife making any
7 posts?

8 A. No. When that was said, everybody looked
9 at me.

10 Q. Who is everybody?

11 A. Everyone that was in the briefing room.

12 Q. Okay. At this point in time had either
13 Gramke or Sheriff McGuffey made any statements to
14 you about your wife making posts on Facebook?

15 A. Prior to this?

16 Q. Yes.

17 A. Yes.

18 Q. When?

19 A. The meeting that I had in October.

20 Q. So this occurred after the October 2023
21 meeting?

22 A. Yes, sir.

23 Q. Okay. So this didn't occur before the
24 meeting you had in 2023?

25 A. Correct.

1 Q. Okay. I just want to try to get the time
2 line here.

3 A. Yeah.

4 Q. Because you would agree this paragraph
5 doesn't give a date, correct?

6 A. Correct.

7 Q. Okay. So your testimony is right now that
8 this briefing happened after you met with Gramke and
9 Sheriff McGuffey in October -- I think it was
10 October 10 of 2023, correct?

11 A. Yes.

12 Q. Okay. So this happened sometime between
13 that point and your eventual resignation in January
14 of 2024, correct?

15 A. Correct.

16 Q. You don't remember exactly when?

17 A. I do not recall.

18 Q. Okay. Because it could have been
19 November, December, or January; you don't remember
20 which month?

21 A. No, sir.

22 Q. Okay. All right. Let's go to the next
23 paragraph. So we're shooting back in time now. So
24 it says, In May 2022, Jason organized a "Remember
25 the Fallen" sporting event and fundraiser for fallen

1 law enforcement and firefighters in Hamilton County;
2 do you see that?

3 A. Yes.

4 Q. He asked for the support from Gramke --
5 I'm sorry -- McGuffey and Gramke by directing
6 communications about the event to their assistant.
7 He received no response; do you see that?

8 A. Yes.

9 Q. When it says directed communications about
10 the event to their assistant, who are you referring
11 to?

12 A. Her -- I know her last name was Woods.
13 She was a social media person.

14 THE WITNESS: Could we take a break
15 for a minute?

16 MR. GOTTESMAN: Sure.

17 THE WITNESS: I tried to catch you
18 before you started.

19 MR. MILLER-NOVAK: Yes. You answered
20 the question.

21 (A brief recess was taken.)

22 MR. GOTTESMAN: Before we jump into
23 questions, he wants to clarify something
24 about the timing, that he thinks he may
25 have given inaccurate or confused

1 testimony regarding the timing.

2 Go ahead, Jason.

3 MR. MILLER-NOVAK: Oh, this meeting?

4 THE WITNESS: Yes.

5 MR. MILLER-NOVAK: Okay. All right.

6 THE WITNESS: So that -- the meeting
7 with -- the briefing meeting was before my
8 meeting with the Sheriff and Chief -- us
9 three, because that was in October. The
10 briefings -- they came around in the
11 spring.

12 And I remember because I had that
13 meeting in October and then I ended up
14 leaving that January. So that time
15 frame -- in my head, I was like wait,
16 that's wrong. So that was my mistake.
17 That's why I asked for the pause. I just
18 had to get a minute to put all that time
19 frame together.

20 BY MR. MILLER-NOVAK:

21 Q. Spring of what, 2023?

22 A. Yes.

23 Q. What do you consider to be spring, March,
24 April?

25 A. March or April. Because then my meeting

1 with them was in October of '23, right? Yes. Yeah.

2 Q. Okay. And then at any time in that
3 meeting did anybody mention you by name?

4 A. In the meeting?

5 Q. In the briefing.

6 A. Which one? The briefing? No.

7 Q. Did anybody mention your wife by name?

8 A. No.

9 Q. Okay. Were Sheriff McGuffey or Gramke
10 looking at you when they made any of these alleged
11 statements?

12 A. Yes.

13 Q. Okay. Were they looking at anybody else?

14 A. No.

15 Q. Okay. So you're saying that the whole
16 time they spoke they were staring at you?

17 A. No. Just the -- when she said the --
18 about the officers' wives.

19 Q. Okay. So before we went -- and I refound
20 my place --

21 A. Uh-huh.

22 Q. -- we were actually talking about
23 paragraph 19.

24 A. Yes. Yes, sir.

25 Q. Okay. All right. Let's go back to 19,

1 sir.

2 A. Yes, sir.

3 Q. All right. So we talked about the
4 assistant and you identified her. I know this is
5 redundant. But what was her name?

6 A. Woods.

7 Q. Woods. That gets me back on track. Thank
8 you. All right. So you sent just an email to
9 Woods?

10 A. I reached out to her on social media.

11 Q. So you reached out to Woods on social
12 media. When you say you reached out to her on
13 social media, in what aspect?

14 A. It was Messenger.

15 Q. How many times?

16 A. I don't recall.

17 Q. Was it just once?

18 A. I don't -- yes.

19 Q. Okay. Well, here it says by directing
20 communications. It says plural. So is there more
21 than one communication you had with her or only one?

22 A. Messenger. And I believe -- I remember
23 trying to contact her I thought on the actual
24 Facebook through the -- her -- the best I remember
25 was I know I did through Messenger through the

1 County's Facebook, but I believe I messaged her
2 personally as well. I remember trying to get a hold
3 of her personally as well.

4 Q. Okay. Did she ever reply to you?

5 A. After -- after -- yes, she did. I can't
6 remember if it was before or after the game. I'm
7 sorry. But she did.

8 Q. Okay. Do you have any knowledge whether
9 or not either Sheriff McGuffey or Gramke received
10 any notice of the Remember the Fallen event before
11 it happened?

12 A. I didn't know that until my meeting with
13 the Sheriff and Chief.

14 Q. Okay. Do you have any reason to believe
15 they didn't tell you the truth when they said they
16 were unaware of it?

17 A. I have -- no.

18 Q. Okay. So you only used Facebook, it
19 sounds like, to try to communicate with Ms. Woods.
20 So you didn't use like a company, you didn't like
21 use like -- I'm sorry, company -- you didn't use a
22 county email address?

23 A. No.

24 Q. Okay. So you didn't use any official
25 communications, you only communicated with her

1 through Facebook?

2 A. Yes.

3 Q. Okay. And you never received any
4 statement from either McGuffey or Gramke that they
5 received that communication?

6 A. No.

7 Q. And they didn't tell you whether or not
8 they supported the event?

9 A. No. I didn't have any communication with
10 them till my meeting.

11 Q. Okay. So no one -- neither Gramke nor
12 Sheriff McGuffey said Jason, we do not support
13 Remember the Fallen?

14 A. Correct.

15 Q. Okay. They just didn't mention it to you
16 at all?

17 A. Correct.

18 Q. Let's turn to the page and go to paragraph
19 21. So after Remember the Fallen occurred, on your
20 Facebook page you made a post about the event; is
21 that correct?

22 A. Yes.

23 Q. And people made comments about your post,
24 correct?

25 A. Yes.

1 Q. Okay. Paragraph 21 says, This was met
2 with a statement by another member of the Sheriff's
3 Department that the member would have liked to have
4 known in advance about the event; do you see that?

5 A. Yes, sir.

6 Q. In response, it says, Jason truthfully
7 posted, and not part of any official duties and on
8 his own time, quote, our department didn't support
9 it. No county items were used to advertise this
10 game; do you see that?

11 A. Yes.

12 Q. Flyers were taken down from briefing
13 rooms; do you see that?

14 A. Yes.

15 Q. Okay. How do you know that the County
16 didn't support it?

17 A. Because all I received back from Ms. Woods
18 was thank you for honoring Corporal Adam McMillan.

19 Q. Okay. But that was after the event
20 already occurred?

21 A. I don't recall.

22 Q. Okay. But you don't know -- you never
23 received any statement -- official statement from
24 either McGuffey or Gramke that they did not support
25 the event, correct?

1 A. Correct.

2 Q. Okay. The statement about flyers were
3 taken down from briefing rooms, what are you
4 referring to in that statement?

5 A. The flyers that were hanging in the
6 briefing rooms were taken down.

7 Q. Okay. How long were they up before they
8 were taken down?

9 A. A minimum two weeks.

10 Q. Okay. So they weren't immediately torn
11 off the walls then?

12 A. I do not know when they were taken down.
13 I know when they went up and then when I came back
14 two weeks later, they were already gone.

15 Q. Do you know if anybody ordered that they
16 be removed?

17 A. I do not know.

18 Q. Okay. My understanding of the bulletin
19 boards is that things are frequently removed from
20 the bulletin boards, correct?

21 MR. GOTTESMAN: Objection.

22 A. Yes.

23 Q. Okay. So it's not actually abnormal for
24 certain postings to be removed from the bulletin
25 boards in the briefing rooms, correct?

1 A. Once it's -- sorry.

2 MR. GOTTESMAN: Objection.

3 A. Once it's expired.

4 Q. Do you have any reason to believe that
5 either Gramke or Sheriff McGuffey instructed anybody
6 to tear down those flyers?

7 A. I have no idea.

8 Q. Do you have any idea who removed those
9 flyers from the briefing room?

10 A. No.

11 Q. So why did you include that statement in
12 your response to this other member of the Sheriff's
13 Department?

14 A. Which statement? There's three.

15 Q. That flyers were taken from briefing
16 rooms.

17 A. Because they were taken down.

18 Q. Before you made this post about the
19 Sheriff Department not supporting the event, did you
20 ask anybody at the Sheriff's Department whether or
21 not you could make this statement about the
22 Department's position regarding Remember the Fallen?

23 A. No.

24 Q. Okay. So at no time before making this
25 public statement did you contact the superior and

1 say may I post what the Department's position is
2 regarding Remember the Fallen?

3 A. No. That comment is to a superior,
4 though.

5 Q. Okay. Did you ask his permission before
6 responding what the Department's position was on
7 Remember the Fallen?

8 A. Yes -- well, no. I'm responding to his
9 question about it.

10 Q. Did you ever try to directly contact
11 either Mr. Gramke or Sheriff McGuffey about Remember
12 the Fallen?

13 A. No.

14 Q. Do you know whether or not Sheriff
15 McGuffey would have supported it had you asked her?

16 MR. GOTTESMAN: Objection.

17 A. I have no idea.

18 Q. Do you know whether or not Chief Gramke
19 would have supported the event had you asked him?

20 MR. GOTTESMAN: Objection.

21 A. I have no idea.

22 Q. Do you know whether or not they have
23 supported any Remember the Fallen events that have
24 occurred after that year's Remember the Fallen
25 event?

1 A. I -- one more time.

2 Q. Well, this was a Remember the Fallen event
3 in the year 2022, correct?

4 A. Correct.

5 Q. Do you know whether or not they've
6 supported -- have you had a Remember the Fallen
7 event in 2023?

8 A. I had a military tribute game.

9 Q. Did the Sheriff's Department support that?

10 A. The Department -- yes.

11 Q. Okay. What about 2024; was there any game
12 that was like a Remember the Fallen event?

13 A. No.

14 Q. Okay.

15 A. No. I don't think so.

16 Q. Okay. So in 2023 the Sheriff's Department
17 did support your event, correct?

18 A. The Sheriff's Department, yes.

19 Q. Okay. And Sheriff McGuffey was the
20 Sheriff of the Department in the year 2023, correct?

21 A. Yes.

22 Q. And Gramke was still the Chief at that
23 time, correct?

24 A. Yes.

25 Q. When did that 2023 event occur?

1 A. June.

2 Q. June of 2023?

3 A. Yes.

4 Q. Okay. Which is before your meeting with
5 Sheriff McGuffey and Mr. Gramke, correct?

6 A. Yes.

7 Q. All right. So they actually supported
8 that event that you --

9 A. The department did.

10 Q. Okay. But they didn't stop it, correct?

11 A. I didn't hear anything from either one of
12 them.

13 Q. Okay.

14 A. Major Kettelman headed that up.

15 Q. Do you know whether or not he asked either
16 Sheriff McGuffey or Chief Gramke if it was okay to
17 support the event?

18 MR. GOTTESMAN: Objection.

19 A. You would have to ask him.

20 Q. Okay. So you don't know whether or not he
21 did ask?

22 A. Correct.

23 Q. Okay. So it's possible that he did,
24 correct?

25 MR. GOTTESMAN: Objection.

1 A. You'd have to ask him.

2 (Defendants' Deposition Exhibit No. 2
3 was marked for identification.)

4 Q. All right. So I'm going to hand you what
5 we're going to mark as Defendants' Exhibit 2. I've
6 handed you what is the Hamilton County Sheriff's
7 Office General Order on Social Media; do you see
8 that?

9 A. Yes, sir.

10 Q. Have you ever seen this before today?

11 A. Yes, sir.

12 Q. Okay. It looks like it was issued by Jim
13 Neil; do you see that?

14 A. Yes, sir.

15 Q. Do you have any reason to disagree that
16 this is the social media policy in place at the
17 Hamilton County Sheriff's Department during the year
18 2022?

19 MR. GOTTESMAN: Objection.

20 A. No, sir.

21 Q. Okay. Great. I'm going to have you go to
22 page -- let me get there. I think it's five. It is
23 five. Okay. Do you see where it says 701.05 in the
24 middle of the page?

25 A. Yes, sir.

1 Q. And it says Personal Use of Social Media;
2 do you see that?

3 A. Yes.

4 Q. Do you understand that this applies to a
5 deputy's personal use of social media?

6 A. Yes.

7 Q. Okay. So in other words, what you do with
8 your own social media account, you understand that
9 this applies to that, correct?

10 A. Correct.

11 Q. If you turn to the next page, do you see
12 the big F there in the middle of the page?

13 A. Yes, sir.

14 Q. All right. It says, When using social
15 media, Sheriff's Office personnel should be mindful
16 that their speech becomes part of the worldwide
17 electronic domain. Therefore, adherence to the
18 department's code of conduct is required in the
19 personal use of social media; do you see that?

20 A. Yes.

21 Q. All right. And in particular, Sheriff's
22 Office personnel are prohibited from the following.
23 One, Speech containing obscene or sexually explicit
24 language, images, or acts and statements or other
25 forms of speech that ridicule, malign, disparage, or

1 otherwise express bias against any race, any
2 religion, or any protected class of individuals; do
3 you see that?

4 A. Yes.

5 Q. Okay. Do you consider people who are
6 homosexual to be part of a protected class of
7 individuals?

8 MR. GOTTESMAN: Objection.

9 A. Yes.

10 Q. I'm going to have you go to subsection H.
11 Do you see a little bit down the page there?

12 A. Yes.

13 Q. It says, Sheriff's Office personnel may
14 not divulge information gained by reason of their
15 authority; make any statements, speeches,
16 appearances, and endorsements; or publish materials
17 that could reasonably be considered to represent the
18 views or positions of Hamilton County Sheriff's
19 Office without expressed authorization from the
20 Sheriff or his designee; do you see that?

21 A. Yes.

22 Q. Okay. You would agree that this policy
23 was in place as of the year 2022, correct?

24 A. Yes.

25 MR. MILLER-NOVAK: Okay. You can

1 give that to her and keep Exhibit 1 out.

2 Q. I want to go to paragraph 23 in the
3 complaint. It says, In 2022, Jason applied for a
4 position with the Regional Enforcement Narcotics
5 Unit, RENU. He was narrowed down to three finalists
6 after a vetting and interview process; do you see
7 that?

8 A. Yes.

9 Q. So I think we talked about it yesterday,
10 but what is RENU?

11 A. That's our Regional Enforcement Narcotics
12 Unit that does -- it's basically the OCD
13 organization -- Organized Crime Division -- that
14 does drugs, human trafficking.

15 Q. And how many times have you applied for
16 RENU?

17 A. Twice.

18 Q. Okay. When was the first time?

19 A. I don't -- I don't recall the exact year.

20 Q. Does 2018 sound correct?

21 A. It would be in my personnel folder
22 probably, if that's where that came from.

23 Q. Were you denied?

24 A. Denied?

25 Q. Was your application rejected or accepted?

1 A. It was accepted.

2 Q. In 2018, your first time?

3 A. Yes. Until there was an opening.

4 Q. Okay.

5 A. That was my understanding.

6 Q. Did you receive the RENU position in 2018?

7 A. No.

8 Q. Okay. Who made that decision?

9 A. I believe whoever the lieutenants and the
10 captain was at that time.

11 Q. Do you know who they were at that time?

12 A. I don't recall.

13 Q. Was one of them Chief Gramke?

14 A. Yes. Gramke was down there at that time,
15 I believe.

16 Q. Do you know whether or not he played any
17 part in the decision making whether or not to assign
18 you to RENU in that first attempt?

19 A. He -- was he on that board -- it was --
20 give me one second. I'm trying to remember who was
21 all in that interview process. Was it Guy? Yes, I
22 believe so.

23 Q. Okay. Do you know if he made the decision
24 to reject your assignment to RENU at that point in
25 time?

1 A. I don't necessarily know that I was
2 rejected. It was just there wasn't openings before
3 that list expired.

4 Q. Okay. So your testimony is today that no
5 one rejected or refused to appoint you in the first
6 application, that there was just no positions
7 available at that time?

8 A. Correct. Because my understanding is when
9 you submit the green letter to have your interview
10 process, they can say yes or no and they interview
11 you.

12 Q. Okay. So you don't know whether or not
13 someone said no specifically when you submitted your
14 green letter?

15 A. Correct. Well, wait a minute. No. The
16 green letter was to be either accepted or denied the
17 interview for RENU.

18 Q. Okay.

19 A. So the green letter is accepted. I'm
20 sorry. But then they put their own list together
21 that's not available to the officers. And then they
22 pick from that list depending on the openings in
23 RENU at that time.

24 Q. Okay. So you didn't make that list, in
25 other words?

1 A. No. They just didn't have any openings.
2 They don't post the list. So you don't know exactly
3 where you're at on that list.

4 Q. Okay. In paragraph 24 it says, Similarly,
5 in 2022, Jason tested for corporal, a promotion that
6 involved a seven percent raise in compensation. He
7 placed 16 or 17 out of 30 on an eligibility list; do
8 you see that?

9 A. Yes.

10 Q. Under the union contract with the
11 Sheriff's Office was to stay in place for two years;
12 do you see that?

13 A. Yes.

14 Q. Okay. Would you agree you actually placed
15 19th on that list?

16 A. Yes. If we have the list.

17 Q. I can get it.

18 A. Okay.

19 MR. MILLER-NOVAK: That's fine. I'm
20 handing you what's previously been marked
21 Plaintiffs' Exhibit -- sorry, that got a
22 little beat up there. Will you mark that
23 as 3?

24 (Defendants' Deposition Exhibit No. 3
25 was marked for identification.)

1 Q. So you took the test in 2022, correct?

2 A. Yes.

3 Q. All right. So the results came out in
4 January of 2023, correct?

5 A. Correct.

6 Q. Okay. Your name, you would agree, is next
7 to No. 19 on Exhibit 3, correct?

8 A. Correct.

9 Q. And Exhibit 3 is the test results for
10 January of 2023, correct?

11 A. The test and interview process, yes.

12 Q. Okay. So you would agree that your
13 placement is actually 19 on that list, correct?

14 A. Yes and no. Shannon Cunningham went out
15 on medical. That would put me at 18. And I thought
16 there was one more person that left, but I might be
17 mistaken. That's why I said 16 or 17 when I did
18 that.

19 Q. Okay. But paragraph 14 says that you
20 placed 16 or 17, correct?

21 A. Correct.

22 Q. It doesn't mention anything about people
23 ahead of you no longer being eligible, correct?

24 A. People -- I'm sorry, what?

25 Q. It doesn't mention any of the things you

1 said about this one individual that left, correct?

2 A. Correct.

3 Q. Okay. So you actually placed 19th,
4 though, correct?

5 A. Correct.

6 MR. MILLER-NOVAK: Okay. All right.
7 You can set that down. I just wanted to
8 clarify that.

9 Q. All right. And then this paragraph says
10 that that list was supposed to stay in place for two
11 years, correct?

12 A. Correct.

13 Q. All right. Did it stay in place for two
14 years as far as you know?

15 A. Yes, as far as I know.

16 Q. Okay. So nothing happened to shorten --
17 we'll just call it the shelf life of this test
18 result, correct?

19 A. That I'm aware of.

20 Q. Okay. Because my understanding is --
21 because it says it here -- under the union contract
22 it was supposed to stay in place for two years,
23 correct?

24 A. Correct.

25 Q. All right. So to the best of your

1 knowledge no one has ever filed a grievance or a
2 complaint that this list did not stay in place for
3 two years at any point in time, correct?

4 MR. GOTTESMAN: Objection.

5 A. I wouldn't know.

6 Q. Okay. So in January or early February of
7 2023 it says, Jason -- we're on paragraph 25, by the
8 way.

9 A. Okay.

10 Q. Jason was informed that he was selected
11 for RENU, that everyone signed off on his selection,
12 and that he would begin working with RENU in March
13 of 2023; do you see that?

14 A. Yes.

15 Q. When it says everyone signed off on a
16 selection, who are you referring to?

17 A. The chain of command through RENU up to
18 Gramke.

19 Q. Okay. Paragraph 26 says, Then,
20 approximately an hour after that notification, Jason
21 was called again by RENU supervision, and informed
22 that Gramke had overridden his selection to that
23 unit; do you see that?

24 A. Yes.

25 Q. Who called you and informed you of that?

1 A. Lieutenant Matt Guy from RENU.

2 Q. Okay. Did he provide you any reason that
3 Gramke had overridden your selection to the unit?

4 A. Because of my wife's social media posts.

5 Q. Okay. Who said that?

6 A. Lieutenant Matt Guy.

7 Q. How do you spell that name?

8 A. G-u-y.

9 Q. Just like it sounds?

10 A. Yes.

11 Q. Did he tell you that Sheriff McGuffey had
12 any involvement in that process?

13 A. No.

14 Q. Do you have any reason to know whether or
15 not Sheriff McGuffey had any involvement in
16 overriding your selection to RENU?

17 A. I do not know.

18 Q. Do you have any evidence in your
19 possession to suggest that Sheriff McGuffey had any
20 involvement whatsoever in overriding your selection
21 to RENU?

22 MR. GOTTESMAN: Objection.

23 A. I did not know.

24 Q. All right. Let's turn the page. We're on
25 paragraph 27. This says, In April 2023, Caroline

1 Adams made a post to both her Chaz page and her
2 Krakken page about poor morale in the Hamilton
3 County Sheriff's Office. A true and accurate -- it
4 says a true and accurate of this post is attached as
5 Exhibit 4 -- I think that's a typo. I think it
6 means a true and accurate copy of this post is
7 attached as Exhibit 4.

8 A. Okay.

9 Q. Typos happen. So going back to paragraph
10 25, if we can.

11 A. Yeah.

12 Q. It says, In late January or early February
13 2023, Jason was informed that he was selected for
14 RENU; do you see that?

15 A. Yes.

16 Q. Everybody signed off on his selection and
17 he would begin working for RENU in March of 2023; do
18 you see that?

19 A. Yes.

20 Q. Then, approximately an hour after that
21 notification, Jason was called again by RENU
22 supervision, and informed that Gramke had overridden
23 his selection to that unit; do you see that?

24 A. Yes.

25 Q. And earlier you said that Matt Guy told

1 you that it had something to do with your wife?

2 A. Yes.

3 Q. What about your wife did he say that that
4 had something to do with?

5 A. That Gramke said that my wife posted
6 something on social media.

7 Q. Okay. Did that have anything to do with
8 Caroline Adams according to Matt Guy?

9 A. He just said something that my wife posted
10 on social media.

11 Q. Okay. So on paragraph 27 it says, In
12 April of 2023, Caroline Adams made a post to both
13 her Chaz page and her Krakken page about poor
14 morale; do you see that?

15 A. Yes.

16 Q. In the Hamilton County Sheriff's Office.
17 A true and accurate copy of this post is attached as
18 Exhibit 4; do you see this?

19 A. Yes.

20 Q. It says that Jennifer liked that post,
21 correct?

22 A. Yes.

23 Q. You would agree that April 2023 comes
24 after March of 2023, correct?

25 A. Correct.

1 Q. Okay. Just Gregorian calendar, right --
2 January, February, March, April, correct?

3 A. Correct.

4 Q. All right. So you agree that nothing that
5 your wife could have done in terms of liking
6 Caroline Adams' post in April of 2023 could have any
7 relationship to your denial from RENU in March of
8 2023, correct?

9 A. Correct.

10 Q. Because the post in Exhibit 4, which if
11 you want to look at it, you can, it would have
12 occurred after Gramke overrode your --

13 A. No. You're wrong on that.

14 Q. How so?

15 A. So I was supposed to be assigned to RENU
16 in March. He called me on February 23 at three
17 o'clock and informed me I was not going to RENU.

18 Q. Okay. But then April of 2023 would be two
19 months after that, correct?

20 A. Correct.

21 Q. Okay. So let's go to Exhibit 4.

22 A. Okay.

23 Q. It was almost towards the very back; do
24 you see that?

25 A. Exhibit 4?

1 Q. Yes.

2 A. Yes.

3 Q. Okay.

4 A. Okay.

5 Q. Well, according to your complaint on

6 paragraph 27 this happened in April of 2023,

7 correct?

8 A. Correct.

9 Q. Okay. Which is two months after February

10 of 2023, correct?

11 A. Correct.

12 Q. So you agree that Exhibit 4 couldn't have

13 any relationship to Gramke overriding your

14 appointment to RENU in February of 2023, correct?

15 A. Right.

16 Q. Because this post happened two months

17 after he overrode your appointment to RENU, correct?

18 A. Correct.

19 Q. So you would agree that Exhibit 4 and the

20 fact that your wife liked Caroline Adams' post in

21 April of 2023 could have no relationship to Gramke's

22 decision to override your RENU appointment, correct?

23 A. No.

24 Q. You don't agree with that?

25 A. No. Because it said that she posted

1 something. You stated liking is not posting. And
2 she posted something -- he told Lieutenant Guy that
3 he did not like a post that my wife made on
4 Facebook.

5 Q. I'm not talking about that. I'm talking
6 about Caroline -- there's two different things that
7 occurred, correct?

8 A. Correct.

9 Q. So one of them is in April of 2023
10 Jennifer liked a post made by Caroline Adams,
11 correct?

12 A. Uh-huh.

13 Q. That happened two months after you were
14 called about RENU, correct?

15 A. Correct.

16 Q. So Exhibit 4, where your wife liked the
17 post of Caroline Adams, could have no relationship
18 to you not receiving your RENU position, correct?

19 A. Yeah, I guess.

20 Q. Okay. The next paragraph, paragraph 28,
21 says, By July 2023, Jason was next on the corporal
22 promotion eligibility list; do you see that?

23 A. Yes.

24 Q. Okay. Paragraph 29 says, Jason was
25 informed by other officers in August of 2023 that

1 regardless of vacancies, he would not be promoted,
2 even if that meant generally not promoting anyone
3 else; do you see that?

4 A. Yes.

5 Q. Who are these other officers?

6 A. I don't recall.

7 Q. So you can't identify a single human being
8 that you're referring to in paragraph 29?

9 A. That's why I said I don't recall.

10 Q. Do you recall exactly what they said?

11 A. They said that they were going to pull the
12 rule -- how was it worded? Since -- there was a K-9
13 below me. And they were going to use the rule of
14 three to skip over me or something along them lines.

15 Q. Okay. But you don't know who told you
16 that?

17 A. It was just a bunch of officers in the
18 briefing room.

19 Q. Do you know if they said that they talked
20 to Sheriff McGuffey about that?

21 A. I don't recall.

22 Q. Do you know if they talked to Mr. Gramke
23 about that?

24 A. It was brought up in one of their staff
25 meetings. So it was either a sergeant or lieutenant

1 or higher that said it.

2 Q. But they didn't say where they got that
3 source of information?

4 A. From the staff meeting.

5 Q. What do you mean staff meeting?

6 A. When the lieutenants and captains have
7 their monthly -- weekly or monthly, whenever they
8 have their staff meeting, it was brought up about
9 the next corporal being moved or promoted.

10 Q. When did that staff meeting occur?

11 A. I do not know.

12 Q. Who would have been the lieutenant or the
13 corporal in that staff meeting?

14 A. It would be -- I believe the staff
15 meetings are lieutenants and higher. I'm not
16 positive. So there might be a sergeant and higher.
17 I'm not positive.

18 Q. So you don't know whether or not it was a
19 sergeant at that meeting or a lieutenant?

20 A. Correct.

21 Q. And you don't know where they allegedly
22 obtained this information?

23 A. From the staff meeting.

24 Q. Oh. They said they heard it in a staff
25 meeting?

1 A. Yes.

2 Q. Did they say they heard Gramke say it in
3 the staff meeting?

4 A. I don't recall.

5 Q. And would only one person tell you this or
6 more than one person tell you this?

7 A. It was just one person.

8 Q. Okay. And you don't remember who that one
9 person is?

10 A. I can't remember if it was my sergeant or
11 lieutenant.

12 Q. And who would they be?

13 A. At that time it would be Lieutenant
14 McElroy, Lieutenant Downing. And I can't remember
15 exactly who told me.

16 Q. Okay. So right now you're saying that the
17 allegation was or the statement made to this person
18 that they were going to promote someone underneath
19 you using the rule of three?

20 A. That I -- I don't necessarily remember if
21 they said the rule of three, but that I was being
22 skipped.

23 Q. Okay. Did that ever occur before you
24 resigned?

25 A. No.

1 Q. So you were never skipped before you
2 resigned?

3 A. They didn't promote anybody before I
4 resigned.

5 Q. They didn't promote anybody before you
6 resigned?

7 A. I was next to be promoted and then I left.

8 Q. Okay. But between August of 2023 and
9 January 30 of 2024, none of these allegations about
10 you being skipped over using the rule of three
11 actually occurred, correct?

12 A. From August -- right.

13 Q. So it turns out the story did not end up
14 coming true, correct?

15 A. I do not know.

16 Q. And it didn't happen; you would agree?

17 A. I'll agree. Yeah, it did not happen.

18 Q. Okay. So it's entirely true that it was
19 false then, right -- it's entirely possible that
20 that wasn't true?

21 A. No, not necessarily.

22 Q. Okay. You didn't hear anybody say that,
23 correct?

24 A. I was told that.

25 Q. By one person?

1 A. That was at the staff meeting.

2 Q. Okay. And they said that they were going
3 to use the rule of three to skip you over, correct?

4 A. They heard I was going to be skipped on
5 the corporal -- the next corporal opening.

6 Q. All right. And between August of 2023 and
7 when you left in January of 2024 that never
8 occurred, correct?

9 A. Correct.

10 Q. So in five months after that conversation
11 none of that came true, correct?

12 A. Correct.

13 Q. Okay. The paragraph continues, Not long
14 after that, Jason's junior leadership informed him
15 that McGuffey was attempting in collective
16 bargaining negotiations with the union, to get an
17 early termination of the eligibility list, but just
18 for corporal, to ensure that Jason would not be
19 promoted. Who told you that?

20 A. One of the union reps.

21 Q. Okay. So earlier we discussed what
22 your -- your knowledge of being a union president?

23 A. Yes.

24 Q. This couldn't happen unless the union
25 agreed to it, correct?

1 A. Correct.

2 Q. So it wouldn't be possible that Sheriff
3 McGuffey could just unilaterally do this, correct?

4 A. Not necessarily. It can be a MOU if she
5 wanted to exhaust the list and the union agreed upon
6 it.

7 Q. Okay. Was there any representation made
8 to you that she was threatening to do that?

9 A. I have no idea.

10 Q. Okay. So all you heard is that she was
11 negotiating in bargainings with the union to change
12 the shelf life of the eligibility list from two
13 years to one year, correct?

14 A. Correct.

15 Q. Okay. Would you agree that that
16 necessarily wouldn't even be retroactive to the
17 eligibility list that you were on?

18 MR. GOTTESMAN: Objection.

19 A. I would not know what they agreed upon.

20 Q. Okay. Do you know whether or not that was
21 even being discussed?

22 A. I was told it was being discussed.

23 Q. Okay. But you don't know whether or not
24 it was being discussed?

25 A. Just what I was told.

1 Q. Okay. But it's possible that you could
2 agree in a negotiation about the union contract that
3 going forward that list would only be one year,
4 correct?

5 MR. GOTTESMAN: Objection.

6 A. That they could agree upon that, you mean?

7 Q. Yes.

8 MR. GOTTESMAN: Objection.

9 A. I mean, yeah, I guess they could agree
10 upon it.

11 Q. Typically speaking when you renegotiate a
12 collective bargaining agreement, those things don't
13 necessarily apply retroactively all the time,
14 correct?

15 MR. GOTTESMAN: Objection.

16 A. It depends on what they want.

17 Q. Okay. But it's also possible that you
18 could renegotiate the list in the future and would
19 only have a two-year shelf life, correct?

20 MR. GOTTESMAN: Objection.

21 A. Yeah.

22 Q. But that wouldn't apply retroactively to
23 the current list, correct?

24 MR. GOTTESMAN: Objection.

25 A. It's whatever they agree upon.

1 Q. Okay. So you don't actually know what was
2 going on at this point in time then, correct?

3 MR. GOTTESMAN: Objection.

4 A. Just what I just recited that I was told.

5 Q. Okay. So you weren't part of the
6 negotiations, correct?

7 A. No.

8 Q. And you have no personal knowledge whether
9 or not there was any talk about retroactively
10 reducing the length of your eligibility list?

11 MR. GOTTESMAN: Objection.

12 A. What I was told from the union rep.

13 Q. Okay. Who is the union rep?

14 A. It was Alexander.

15 Q. Okay. If I were to represent to you that
16 they were not negotiating retroactively applying
17 that to the current list you were on, would you have
18 any reason to disagree with that?

19 MR. GOTTESMAN: Objection.

20 A. I wasn't there.

21 Q. Okay. So you have no personal knowledge
22 that that would be incorrect then?

23 MR. GOTTESMAN: Objection.

24 A. Correct.

25 Q. Okay. If that were the case and they

1 weren't trying to retroactively apply it to your
2 list, you would agree that it wouldn't actually
3 affect you personally at all to change the shelf
4 life of that list, correct?

5 MR. GOTTESMAN: Objection.

6 A. Correct.

7 Q. Because your list would have lasted the
8 two years, correct?

9 A. Yes.

10 Q. At that point, just like every other
11 person, you could retake the test, correct?

12 A. Yes.

13 Q. And that your list on the -- your place on
14 the eligibility list would last one year, correct?

15 A. Yes. If that's what they agreed upon.

16 Q. Right. And you wouldn't be treated any
17 different than any person on the eligibility list,
18 correct?

19 MR. GOTTESMAN: Objection.

20 A. I would hope so, but obviously that's not
21 what happens.

22 Q. Well, how did that not happen?

23 A. That's why we're here.

24 Q. No. You never took the eligibility test
25 again, did you?

1 A. No.

2 Q. You never took the test again, correct?

3 A. But we're here because I was treated
4 unfairly. So you can't say that I would be treated
5 fairly on the next round of the test. That's why I
6 had to leave.

7 Q. I understand that's your allegation. But
8 what I'm saying is that if you were to retake the
9 test, you would be on the eligibility list with your
10 placement for a year like everybody else, correct?

11 MR. GOTTESMAN: Objection.

12 A. As long as you say that I won't be -- that
13 I would be treated fairly, yeah, I'll agree with
14 that.

15 Q. This part of the sentence says that he --
16 referring to you -- would not be promoted, even if
17 that generally meant not promoting anyone else.

18 Is it your allegation that it was Sheriff
19 McGuffey's plan to no longer promote people to
20 corporal as long as you were there?

21 A. That was my understanding, yes.

22 Q. Okay. And you don't think that sounds a
23 little bit preposterous at all?

24 A. With her, no.

25 Q. Okay. So it's your allegation that she

1 would not promote anybody to corporal ever again as
2 long as you were there?

3 A. On that list.

4 MR. GOTTESMAN: Objection.

5 THE WITNESS: Oh, sorry.

6 A. On that list, yeah. Yes.

7 Q. On what list?

8 A. The eligibility list.

9 Q. Okay. So you believe that when you're
10 saying that, you're just referring to exhibit -- the
11 exhibit we just looked at, correct?

12 A. Yes.

13 MR. GOTTESMAN: For the record,
14 that's three.

15 MR. MILLER-NOVAK: Three. Thank you.

16 Q. Plaintiffs' Exhibit 3. So you're saying
17 for the remainder --

18 MR. GOTTESMAN: Defendants' Exhibit
19 3.

20 MR. MILLER-NOVAK: What's that?

21 MR. GOTTESMAN: Defendants' Exhibit
22 3.

23 MR. MILLER-NOVAK: Thanks.

24 Q. That for the remainder of that two-year
25 shelf life, that they were not going to promote

1 anybody as long as you were on that list, correct?

2 A. Correct.

3 Q. Okay. That's your allegation?

4 A. Correct.

5 Q. Okay. But when that list has expired, had
6 you stayed, you would have the same opportunity to
7 retake the test, correct?

8 A. Yes.

9 Q. And you would, again, appear in some
10 placement on that list, correct?

11 A. Correct.

12 Q. For all you know you could have placed
13 first, correct?

14 A. Correct.

15 Q. Or you could have placed last, correct?

16 A. Correct.

17 Q. And if you placed in the top five, then
18 you would have higher priority on that list than
19 other people, correct?

20 A. Correct.

21 Q. And you don't know what would have
22 happened because you didn't take the test again,
23 correct?

24 A. Correct.

25 Q. Okay.

1 A. But they still can apply the rule of three
2 and keep skipping me. Just because I placed one
3 doesn't mean I definitely get that corporal's
4 position.

5 Q. Okay. Unless the union negotiated out the
6 rule of three, correct?

7 A. Correct.

8 Q. Because that's also within the power of
9 the bargaining unit, correct?

10 A. I can't recall. I think -- I can't
11 recall.

12 Q. Well, the process to promote somebody to a
13 corporal is something referred to within the
14 collective bargaining agreement, correct?

15 A. Correct.

16 Q. And the collective bargaining unit is --
17 agreement -- sorry -- is a product of negotiations
18 between the union and the county, correct?

19 A. Correct.

20 Q. Okay. So as part of the negotiations from
21 shortening the shelf list of the eligibility from
22 two years to one year, the union could counter,
23 that's fine, we want to outdo or get rid of the rule
24 of three, correct?

25 A. Correct.

1 Q. So at that point in time had the union
2 done that hypothetically and you placed number one
3 on the list, then you would be in the very first
4 position to get a promotion, correct?

5 A. Hypothetically, yes, if the rule of three
6 was not in play, but it still is.

7 Q. Okay. So when you left, had that union
8 negotiation completed?

9 A. I don't -- I do not know.

10 Q. So you didn't actually know what the
11 outcome of that negotiation would be by the time you
12 resigned, correct?

13 A. Correct.

14 Q. So for all you know the rule of three
15 could have been abolished by the time you resigned,
16 correct?

17 A. If it was being negotiated, correct.

18 Q. Okay. And for all you know they could
19 have extended the two years to three years, correct?

20 A. Again, correct.

21 Q. Because negotiation hadn't been completed
22 by the time you resigned, correct?

23 A. Correct.

24 Q. Okay. So paragraph 30 says, Concerned
25 that he was being retaliated against, Jason asked

1 for a meeting with Gramke and McGuffey in early
2 September of 2023. It continues, Jason was informed
3 that Gramke and McGuffey could meet with him in
4 October of 2023; do you see that?

5 A. Yes.

6 Q. As of September of 2023 had you received
7 any independent information that Sheriff McGuffey
8 had any involvement in Gramke overriding your RENU
9 placement?

10 A. From September to October?

11 Q. Before September.

12 A. Yes.

13 Q. Okay. She was involved personally in
14 overriding?

15 A. You said McGuffey and Gramke.

16 Q. Okay. If I did, then I apologize I asked
17 a terrible question. What I meant to ask is, prior
18 to September of 2023 had you had any independent
19 information that Sheriff McGuffey was involved in
20 rejecting your RENU application?

21 A. No.

22 Q. Prior to September of 2023 had Sheriff
23 McGuffey said anything to you about naming your
24 wife, Jennifer Patterson Davis?

25 A. No.

1 Q. Had Sheriff McGuffey said anything to you
2 about your post involving the Remember the Fallen
3 football game?

4 A. No.

5 Q. Okay. Do you have any knowledge whether
6 or not Sheriff McGuffey was even aware that you
7 applied for RENU before September of 2023?

8 A. No.

9 Q. Okay. Any evidence at all, anybody make
10 any statements about whether or not she was aware
11 that you had applied for RENU in 20- -- before
12 September of 2023?

13 MR. GOTTESMAN: Objection.

14 A. No.

15 Q. Okay. So if I was to represent to you
16 that prior to September of 2023 she was completely
17 unaware that you had even applied or wanted a
18 position in RENU, you would have no reason to
19 disagree with that statement?

20 MR. GOTTESMAN: Object to form.

21 Go ahead.

22 A. No. What -- would I have a reason to
23 believe that she had no knowledge?

24 Q. Do you have any evidence that she had any
25 knowledge?

1 A. I have no evidence, no.

2 Q. Do you have any knowledge that she had any
3 involvement with your being overridden to RENU prior
4 to September of 2023?

5 A. No.

6 Q. Do you have any evidence that she was
7 aware that you made the Remember the Fallen post on
8 Facebook prior to September of 2023?

9 A. No.

10 Q. Did she ever talk to you about your RENU
11 application prior to September of 2023?

12 A. No.

13 Q. Did she ever talk to you about your wife,
14 Jennifer Patterson Davis, prior to September of
15 2023?

16 A. No.

17 Q. So the next paragraph says, On October 10,
18 2023, at approximately 8:30 a.m., Jason met with
19 Gramke and McGuffey; do you see that?

20 A. Yes.

21 Q. Do you agree that that was the day and
22 time that you met?

23 A. Yes.

24 Q. Okay. In paragraph 32 it said, McGuffey
25 began the meeting by stating that she had been

1 looking -- actually let me go back. Scratch that.

2 On October 10, 2023, at approximately
3 8:30 a.m., Jason met with Gramke and McGuffey. You
4 requested that meeting, correct?

5 A. Correct.

6 Q. Okay. And why did you request that
7 meeting?

8 A. Because of the way I was not -- I was
9 taken out of the RENU process and being skipped over
10 for corporal.

11 Q. Okay. You had not been skipped over for
12 corporal at that point in time, correct?

13 A. I don't know.

14 Q. I mean, earlier we just talked about how
15 between August of 2023 and when you resigned no K-9
16 officer behind you had skipped over you, correct?

17 A. Correct. I don't know if there was a
18 corporal's position they were holding out for or
19 not. I mean, there's no way of knowing.

20 Q. Okay. So you don't know that anybody had
21 skipped over you at that point in time, correct?

22 A. I didn't know if there was a corporal's
23 position open.

24 Q. Okay. Have you ever found out that you
25 were ever skipped over at that point in time?

1 A. They promoted after I left.

2 Q. Okay. So you would agree that before you
3 resigned, you were never skipped?

4 A. I -- no. I don't know if they were
5 holding out or not.

6 Q. Okay. I understand that your allegation
7 is that you believed that they were holding out.

8 A. Correct.

9 Q. That's not what I asked. What I asked
10 was, do you have any knowledge that you were
11 actually skipped before you resigned?

12 A. It's just an assumption.

13 Q. An assumption of what, that someone
14 skipped you?

15 A. That there wasn't an opening for me to
16 fall into. I don't know if they held that out or
17 not. There's no proof either way.

18 Q. Okay. I didn't ask whether or not they
19 were holding out on an opening.

20 A. Okay.

21 Q. Okay. I'm asking whether or not there was
22 an opening that someone behind you skipped to get?

23 A. I don't know if there was an opening or
24 not, so I can't say yes or no.

25 Q. Okay. So you don't know whether or not

1 there was an opening?

2 A. Correct. That's. . .

3 Q. Okay. Well, you would agree if there was
4 not an opening, then you were not skipped?

5 A. Yes.

6 Q. So this almost seems like an introductory
7 question, but let's take a step back. So a
8 sheriff's department is somewhat like a paramilitary
9 force, correct?

10 A. Correct.

11 Q. So there are ranks, correct?

12 A. Yes.

13 Q. And they have military type titles like
14 sergeant, corporal, et cetera, correct?

15 A. Yes.

16 Q. Okay. So there is a ranking structure,
17 correct?

18 A. Uh-huh. Yes.

19 Q. And you would agree that being -- I would
20 say any kind of law enforcement -- I would say
21 deputy, but now you're a police officer in
22 Springdale, correct?

23 A. Yes.

24 Q. And you would agree that it's a very
25 important job, correct?

1 A. Yes.

2 Q. And it's a very dangerous job, correct?

3 A. Yes.

4 Q. And that it's a job -- the old -- do you
5 ever watch Spider-Man?

6 A. Uh-huh.

7 Q. So with great power comes great
8 responsibility --

9 A. Yes.

10 Q. -- right? Peter Parker?

11 A. Yes.

12 Q. All right. So you would agree that when
13 you promote people in a department, it's a very
14 important task, correct?

15 A. Correct.

16 Q. And that reviewing people's character
17 matters, correct?

18 A. Correct.

19 Q. Reviewing the amount of responsibility
20 they have matters, correct?

21 A. Correct.

22 Q. Whether or not they're quite frankly
23 overly aggressive would be something that you would
24 be concerned about, correct?

25 A. Correct.

1 Q. All right. Because Mel Gibson might be
2 cool in Lethal Weapon, but in real life he violates
3 people's constitutional rights like every five
4 minutes, correct?

5 A. Correct.

6 Q. Right. You wouldn't really want Mel
7 Gibson to be in the Hamilton County Sheriff's
8 Department as a corporal, correct?

9 A. Correct.

10 Q. All right. That's without commenting on
11 his personal life decisions. But at any rate, you
12 would agree that one of the very important
13 activities of the Sheriff's Department is how it
14 promotes people, correct?

15 A. Correct.

16 Q. And the process that it uses to promote
17 people, correct?

18 A. Correct.

19 Q. And that those are activities of the
20 Sheriff's Department, correct?

21 A. Correct.

22 Q. So the entire process of promoting people
23 is something that could be an issue of public
24 concern, correct?

25 A. Yes.

1 Q. And you would agree that, you know, it's
2 important to preserve documents that record that
3 process, correct?

4 A. Yes.

5 Q. Such as your personnel file, correct?

6 A. Correct.

7 Q. Okay. Or your application, correct?

8 A. Correct.

9 Q. Because the public might want to see your
10 application for a position, correct?

11 A. Yes.

12 Q. Okay. So it's become knowledgeable -- or
13 become common knowledge, I guess, in this case that
14 you recorded the conversation between yourself and
15 Gramke and Sheriff McGuffey on October 10, 2023,
16 correct?

17 A. Correct.

18 Q. Okay. When did you decide that you were
19 going to record that conversation?

20 A. Probably back when I was a union president
21 and we recorded every meeting and every encounter
22 with administration.

23 Q. When that occurred, did you inform the
24 administration that you were recording them, the
25 meeting?

1 A. I don't recall.

2 Q. I mean, it wasn't a secret that the
3 meeting between the administration and union leaders
4 was being recorded, correct?

5 A. I don't -- I don't recall.

6 Q. Okay. I mean, it's pretty common when
7 union leaders are present and there's representation
8 for a member of the union that it can be recorded to
9 document that activity, correct?

10 A. We would have somebody -- a secretary take
11 notes, but I always recorded them.

12 Q. Okay. You would have a secretary take
13 notes?

14 A. Correct.

15 Q. Okay. So it was known that that meeting
16 was being recorded, correct?

17 A. I can't say that.

18 Q. Okay. Well, a secretary was taking notes.
19 Was she hiding somewhere taking notes, or was she
20 taking notes out in the open?

21 MR. GOTTESMAN: Objection.

22 A. Well, I mean, she just -- just brief
23 notes. I mean, it wasn't actually like recording
24 word for word.

25 Q. Okay. But it was at least known that

1 there was someone documenting the contents of that
2 meeting, correct?

3 MR. GOTTESMAN: Objection.

4 A. Correct.

5 Q. All right. It wasn't secretively done,
6 correct?

7 A. Correct.

8 Q. In October of 2023 did you inform either
9 Sheriff McGuffey or Jay Gramke that you were going
10 to record that meeting?

11 A. No. It wasn't asked.

12 Q. Okay. But you didn't tell them, correct?

13 A. Because it wasn't asked.

14 Q. Okay. You didn't tell them because it
15 wasn't asked?

16 A. Correct.

17 Q. Okay. When did you decide to do that?

18 A. Like I said before, I recorded all my
19 interactions with administration from being a union
20 president.

21 Q. Okay. So this is not the first time you
22 recorded your conversations with people in the
23 Sheriff's Department?

24 A. With administration, with meetings, yes.

25 Q. Okay. So I understand that you did it

1 when you were the union president. How about when
2 you were just acting in your own individual
3 capacity; had you ever recorded meetings with the
4 administration prior to this meeting?

5 MR. GOTTESMAN: Objection.

6 A. This was my first meeting with them.

7 Q. Okay. So this was your first meeting with
8 this administration, correct?

9 A. Yes.

10 Q. Did you ever meet as an individual with
11 the prior administration under Jim Neil?

12 A. Yes.

13 Q. Did you record those conversations?

14 A. Yes. Because I was asked if I was
15 recording or not by their assistant counsel.

16 Q. Okay. Because attorneys were there?

17 A. No. It's whatever Keith Clepper was at
18 the time, which is their union liaison or whatever
19 he was.

20 Q. Okay. So when those meetings happened,
21 they happened in your capacity as a union leader?

22 A. Just going in for meetings he would ask,
23 yes.

24 Q. Okay. So when you met with Sheriff
25 McGuffey, you're not going in as a union leader,

1 correct?

2 A. Correct.

3 Q. Okay. Did Jennifer know you were going to
4 record this meeting before it occurred?

5 A. Yes.

6 Q. Okay. You discussed it with her
7 beforehand?

8 A. Yes.

9 Q. How did that come up?

10 A. Just in our conversation that I have a
11 scheduled meeting with the Chief and the Sheriff and
12 I'm going to meet with them about my future with the
13 Department.

14 Q. Okay. And you told her that you were
15 going to record it?

16 A. I think she asked are you going to record
17 that meeting as well, and I said absolutely.

18 Q. Okay. Did she tell you that she wanted
19 you to record that meeting?

20 A. No.

21 Q. Did she encourage you to record that
22 meeting?

23 A. No.

24 Q. Okay. Did you tell her why you were going
25 to record that meeting?

1 A. No. She asked if I was going to record
2 that meeting.

3 Q. And you said yes?

4 A. Yes.

5 Q. Did you have any further conversations
6 about recording that meeting?

7 A. I don't recall.

8 Q. When you were talking about that meeting
9 before it occurred, what was your conversation
10 about?

11 A. That I wanted to find out why I was
12 skipped over for corporal and removed from RENU.

13 Q. Okay. But we've just discussed that you
14 have no knowledge that you were skipped over for
15 corporal at that point?

16 A. You asked me what I talked to my wife
17 about, and that's what I said to her.

18 Q. Okay. So at that time you believed you
19 were skipped over for corporal?

20 A. Yes.

21 Q. Okay. Before you had this meeting had you
22 called -- you don't need to tell me what any
23 conversations were, but had you contacted any
24 employment counsel at that point in time?

25 MR. GOTTESMAN: Objection.

1 A. Yes.

2 Q. Okay. What employment counsel had you
3 talked to at that point in time?

4 A. My union representation.

5 Q. Union attorney or just president?

6 A. Union attorney.

7 Q. Okay. And what's his name?

8 A. At that time was Steve Lazarus.

9 Q. Did you talk to anybody else about your
10 plan to record that meeting who is not an attorney?

11 A. I don't recall.

12 Q. Or Jennifer -- you didn't talk to anybody
13 else besides Jennifer and that attorney?

14 A. I don't recall.

15 Q. Okay. What device did you use to record
16 that meeting?

17 A. It's a -- it's a pen.

18 Q. A pen?

19 A. Uh-huh.

20 MR. GOTTESMAN: That was a yes?

21 THE WITNESS: Huh?

22 MR. GOTTESMAN: That was a yes?

23 THE COURT REPORTER: You said uh-huh.

24 THE WITNESS: Oh, I'm sorry. Yeah.

25 I didn't even catch that.

1 A. Yes.

2 MR. MILLER-NOVAK: I didn't catch it
3 either.

4 Q. All right. A pen?

5 A. Yes.

6 Q. Okay. So I was expecting to hear a cell
7 phone. So what type of pen?

8 A. A recording one.

9 Q. Okay. I mean, what does it look like?

10 A. A pen.

11 Q. Does it function as a pen?

12 A. Yes.

13 Q. Did you get it from the Spy Museum?

14 A. No.

15 Q. Okay. Do you have it on you now?

16 A. No.

17 Q. Okay. Is this some equipment that you got
18 from the Sheriff's Department itself?

19 A. No.

20 Q. Is it something you bought on your own?

21 A. Yes.

22 Q. Okay. So it's a recording device that
23 looks like a pen?

24 A. Yes.

25 Q. Do you still own the pen recording device?

1 A. Yes.

2 Q. Why did you buy the pen recording device?

3 A. To record our conversations.

4 Q. So you specifically went out and bought
5 that pen to record this conversation?

6 MR. GOTTESMAN: Objection.

7 A. I don't recall if it was just for that
8 meeting. Did I already have that one? I don't
9 recall.

10 Q. Where did you buy it?

11 A. I got it online. I don't recall exactly
12 where.

13 Q. Where on online?

14 A. I just -- I don't recall.

15 Q. Do you still have some record of that
16 transaction?

17 A. No.

18 Q. Did you pay with your credit card?

19 A. Yes.

20 Q. Would it have been a check card?

21 A. No.

22 Q. Would it have been like your true credit
23 card -- for lack of a better wording -- like a
24 credit card as opposed to a bank card?

25 A. Yeah. It was like a Visa.

1 Q. Okay. So you have a Visa. Through what
2 bank?

3 A. I don't remember what card I used.

4 Q. Okay. Well, I'm going to ask you to look
5 for the receipt. I didn't say it was going to be
6 fun, but -- I mean, you know, if you can find it, I
7 would ask you to look for it.

8 A. All right.

9 MR. GOTTESMAN: We'll deal with that.

10 THE WITNESS: Yeah. I was just
11 trying to think of what credit card it
12 was.

13 Q. And you don't remember the name of the
14 company?

15 A. No. No.

16 Q. Okay. And so does the pen -- you said you
17 still have it?

18 A. Yes.

19 Q. Okay. Does it work -- does it charge like
20 a USB device?

21 A. Yes.

22 Q. So it's like a USB storage in the pen
23 then, correct?

24 A. Correct.

25 Q. And then you would plug it into some

1 device to upload whatever recordings you have onto
2 another device, correct?

3 A. Yes.

4 Q. Whether a laptop or something like that?

5 A. Yes.

6 Q. Okay. Does the pen -- I don't know, for
7 lack of a better word -- does it appear kind of
8 designer in nature as opposed to something like this
9 cheap Profile Paper Mate here?

10 A. Yeah. It's a nice -- a nice pen.

11 Q. So it looks like a quality pen then,
12 correct?

13 A. I would say so.

14 MR. GOTTESMAN: Counsel, I think
15 that's a quality pen.

16 MR. MILLER-NOVAK: These are smooth
17 compared to some that are a little bit
18 more coarse. I do like the Profile. But
19 I don't know that it's a designer pen
20 necessarily. No one is buying this for
21 your graduation or something like that.

22 Q. So the pen when you went into this
23 meeting, did you put it in your pocket?

24 A. Yes.

25 Q. Like your chest pocket or something like

1 that?

2 A. Yes.

3 Q. Okay.

4 A. Right where the pens go in.

5 Q. Like a shirt pocket, correct?

6 A. Correct.

7 Q. This meeting, it occurred in -- you would
8 agree that it occurred in the workplace, correct?

9 A. In the Chief's office, yes.

10 Q. Yeah. On like county property, correct?

11 A. Yes.

12 Q. In the county offices, correct?

13 A. Correct.

14 Q. Which is the Chief's workplace, correct?

15 A. Correct.

16 Q. And even though you were in Anderson, you
17 would agree that because it's a county sheriff's
18 office, it's also your workplace as well, correct?

19 A. Correct.

20 Q. Okay. Had you ever used this pen
21 recording device before this meeting?

22 A. To record or just use the pen in general?

23 Q. To record a conversation.

24 A. No.

25 Q. Okay. You tried it out when you bought

1 it?

2 A. Yes.

3 Q. Okay. That's why I asked the follow-up
4 question. I assume right now?

5 A. And we use it in the kitchen, yes.

6 Q. Okay. So you've used it since?

7 A. Yes.

8 Q. Okay. I'm sorry, I may have already
9 asked. But you still own the pen, correct?

10 A. Yes.

11 Q. Okay. So I kind of want to skip to the
12 end of the meeting and just keep -- since we're on
13 the topic, we'll just keep talking about the
14 recording. So after you had the meeting you had
15 this recording, correct?

16 A. Correct.

17 Q. Okay. Who did you let listen to this
18 recording?

19 A. Just my wife.

20 Q. Did you share it with anybody else in the
21 department?

22 A. No.

23 Q. Did you give it to anybody else in the
24 department?

25 A. No.

1 Q. Did you make any copies of the recording?

2 A. I downloaded it to my -- or the wife's
3 laptop, I believe -- yes.

4 Q. Jennifer's laptop?

5 A. Yes.

6 Q. Does she still have that laptop?

7 A. I don't -- I don't know. We've gone
8 through so many laptops. They go obsolete so
9 quickly.

10 Q. So you don't know if she currently still
11 has that laptop?

12 A. Correct.

13 Q. Do you still have the raw recording?

14 A. I believe it's still in the pen, yes.

15 Q. It's still in the pen?

16 A. Yes.

17 Q. But you don't know that Jennifer still has
18 that laptop?

19 A. Again, I do not know.

20 MR. WIEST: Just for the record, we
21 produced an accurate copy to the
22 Defendants yesterday of that and Counsel
23 was involved in the extraction of the
24 original, for whatever it's worth.

25 Q. What was the date yesterday?

1 MR. GOTTESMAN: May 5. Cinco de
2 Mayo.

3 Q. That's a busy time for road patrol, isn't
4 it?

5 A. I was off.

6 Q. Oh, that's good. Did you have to work on
7 St. Patrick's Day?

8 A. Yes. That wasn't too bad.

9 Q. Okay. Those are amateur days, I guess, as
10 they're known, correct?

11 A. Yes.

12 Q. So yesterday was May the 5th, 2025,
13 correct?

14 A. Yes.

15 Q. All right. And you had resigned in
16 January 30 of 2024, correct?

17 A. Yes.

18 Q. Okay. So you agree that's about 15
19 months, correct?

20 A. Correct.

21 Q. Okay. So that entire 15 months' time you
22 possessed the recording, correct?

23 A. Correct.

24 Q. Okay. And are you aware in this
25 litigation your counsel refused to provide a copy of

1 the recording or to give the recording to the County
2 until just yesterday?

3 A. My understanding is that's what the judge
4 ordered.

5 Q. Okay. Well, you would agree that the
6 judge ordered your counsel didn't have to give it
7 over yesterday because they filed a motion to not
8 have to give it until yesterday?

9 MR. GOTTESMAN: Objection.

10 A. I have no idea. I don't -- I'm not an
11 attorney.

12 Q. Okay. Why did you not give the recording
13 to the County when you left?

14 A. When I left what?

15 Q. The Sheriff's Department. So when you
16 resigned and you left the Sheriff's Department in
17 January of 2024, why did you not give the recording
18 to the Sheriff's Department?

19 A. I don't see a reason to.

20 Q. At any time between October of 2023 when
21 you made the recording until you left did you inform
22 anybody at the Sheriff's Department that you had
23 made that recording?

24 A. No. No. I'm sorry. The exit interview
25 asked -- I wrote it on the exit interview that there

1 was a recording.

2 Q. And when did you take the exit interview?

3 A. I don't recall.

4 Q. Would you agree that there's a policy
5 against recording coworkers in the Department that
6 was in place as of October of 2023?

7 A. Yes.

8 Q. Did you know about that before you went to
9 the meeting?

10 A. Yes.

11 Q. So you knowingly violated that policy?

12 A. No.

13 Q. How not?

14 A. I wasn't on duty.

15 Q. Okay. So it's your belief that that
16 policy only applies if you're on duty?

17 A. That's what the policy states.

18 MR. MILLER-NOVAK: Okay. Well, let's
19 pull up the policy and take a look at it.

20 MR. WIEST: And just for the record,
21 the union contract also makes clear that
22 it's only applicable -- policies are only
23 applicable when they're on duty under the
24 color of law or if it's --

25 MR. MILLER-NOVAK: Hey, man, we don't

1 need to do that. You're not testifying
2 today.

3 MR. WIEST: Well, you're putting
4 legal conclusions in his mouth, and so
5 we're going to protect the record.

6 MR. MILLER-NOVAK: No. There's no
7 talking objections. You know the rules.
8 Let's not pretend we don't. I mean, I can
9 cite the rule and read it to you if you'd
10 like since -- okay.

11 Your objections will remain concise
12 today. They will not be narrative in
13 order to affect the testimony of your
14 client, correct? That's what the rules
15 say, so we're going to abide those today.

16 (Defendants' Deposition Exhibit No. 4
17 was marked for identification.)

18 Q. I'll have you turn to -- it's kind of the
19 fourth page, Section 1.25.

20 A. Gotcha.

21 Q. It says, An employee may not record
22 another employee in the workplace; do you see that?

23 A. Yes.

24 Q. It says, including off duty details and
25 while working remotely; do you see that?

1 A. Yes.

2 Q. Without the consent of all parties
3 present, unless the recording occurs during the
4 course of an official investigation approved by the
5 Sheriff and/or the Chief Deputy. This is inclusive
6 of video recording and audio recording; do you see
7 that?

8 A. Yes.

9 Q. Okay. So this policy doesn't say anything
10 about being on duty or off duty; would you agree?

11 A. Well, it says including off duty details.

12 Q. Okay. So it says off duty details?

13 A. Correct.

14 Q. But it doesn't mention whether or not the
15 person doing the recording is only forbidden from
16 recording if they are on duty, correct?

17 MR. GOTTESMAN: Objection.

18 A. Including off duty details and while
19 working remotely. So as long as you're working,
20 correct.

21 Q. Okay. So in your mind it says while
22 you're working?

23 A. My interpretation is while I'm working.
24 That's why it says including off duty duties -- the
25 off duty part -- and while working remotely.

1 Q. Okay. You would agree that when you met
2 with Chief Gramke, that that occurred in the
3 workplace, correct?

4 MR. GOTTESMAN: Objection to form.
5 Vague as to time.

6 A. In his workplace, yes.

7 Q. Okay. You can set that aside for now. So
8 are you aware of the Ohio Public Records Act?

9 A. Yes.

10 Q. And that when officials create records,
11 those records can become public records?

12 A. Yes.

13 Q. And that, generally speaking, documents,
14 anything tangible such as recordings that depict or
15 represent the activities of an office is a public
16 record?

17 MR. GOTTESMAN: Objection.

18 A. Are you asking me if I know that or I
19 agree with it?

20 Q. I'm asking if you know that.

21 A. I did not.

22 Q. Okay. Do you ever take body cam footage
23 in your official duties?

24 A. Yes.

25 Q. Are you aware that body cam footage is a

1 public record?

2 A. Yes.

3 Q. So you would agree that when you record
4 certain activities that you engage in, that those
5 become public records?

6 MR. GOTTESMAN: Objection.

7 A. Eventually, yes.

8 Q. Okay. Are you aware that when you send
9 certain communications between yourself and other
10 deputies recording activities of your office, that
11 those can become public records?

12 MR. GOTTESMAN: Objection.

13 A. Yes.

14 Q. Are you aware that they become public
15 records even if you use your private cell phone?

16 MR. GOTTESMAN: Objection.

17 A. Yes.

18 Q. Are you aware that even if you send
19 official text messages, that those text messages can
20 become public records?

21 MR. GOTTESMAN: Objection.

22 A. Yeah. Yes.

23 Q. Okay. So on October 10th of 2023 you
24 recorded your meeting with Mr. Gramke and Sheriff
25 McGuffey, correct?

1 A. Correct.

2 Q. Okay. And the purpose of that meeting was
3 to discuss your promotion or potential promotion to
4 corporal sometime in the future, correct?

5 MR. GOTTESMAN: Objection.

6 A. Why I was pulled out of RENU and skipped
7 over for corporal.

8 Q. Right. And earlier we discussed that the
9 promotion of people within a department is a
10 departmental activity, correct?

11 A. Correct.

12 Q. And that it's actually a very important
13 departmental activity, correct?

14 A. Correct.

15 Q. Okay. And that it's one that the public
16 may want to know about, correct?

17 A. Correct.

18 Q. Okay. So you recorded that activity that
19 day, correct?

20 A. I recorded a meeting, not a promotion.

21 Q. You recorded a meeting about a promotion,
22 correct?

23 A. I recorded a meeting for disciplinary
24 reasons of being yanked out of RENU.

25 Q. Okay. Well, you weren't disciplined,

1 correct?

2 MR. GOTTESMAN: Objection.

3 A. No. That's a form of disciplinary. I was
4 pulled from making more money, which is a form of
5 disciplinary.

6 Q. Were you ever counseled?

7 A. No. That's why we have the lawsuit.

8 Q. Okay. So your allegation is that you
9 considered it a form of discipline?

10 A. Yeah. Yes.

11 Q. Isn't an officer's discipline something
12 that's often a public record?

13 A. Yeah. Yes.

14 Q. Okay. So if something relates to your
15 discipline, it can be a public record, correct?

16 A. I believe so, yes.

17 Q. And you recorded a meeting that you just
18 said related to your discipline, correct?

19 A. Correct.

20 Q. So did it ever occur to you that you may
21 have created a public record that day?

22 MR. GOTTESMAN: Objection.

23 A. No.

24 Q. So you never thought when I record this
25 meeting, that I might be creating a public record?

1 MR. GOTTESMAN: Objection. Asked and
2 answered.

3 A. No.

4 Q. Did you ever ask anybody whether or not
5 recording that meeting would create a public record?

6 A. No. Otherwise I would have just known and
7 said yes to the question before.

8 Q. Well, you never asked anybody at all
9 because you never even told anybody you were
10 recording that meeting, correct?

11 A. My wife.

12 Q. Well, you told your wife, but she doesn't
13 work for the Sheriff's Department, correct?

14 A. Correct.

15 Q. Okay. And you didn't just record that
16 meeting, you used a recorder that looked like a pen,
17 correct?

18 A. Correct.

19 Q. Okay. So you hid the fact that you were
20 recording that meeting then, correct?

21 MR. GOTTESMAN: Objection.

22 A. I wouldn't necessarily say it was hidden.

23 Q. It's a pen, correct?

24 A. Correct.

25 Q. It doesn't look like a recorder?

1 A. There's no difference between that or
2 turning my cell phone on.

3 Q. Okay. Do you know whether or not I'm
4 recording you with that highlighter sitting on the
5 table?

6 A. My interaction with the public is always
7 assume that you're being recorded, so I have no
8 issues with you recording anything.

9 Q. Okay. Well, we know she's recording this
10 conversation, correct?

11 A. Correct.

12 MR. GOTTESMAN: Counsel, this is just
13 getting silly and argumentative.

14 MR. MILLER-NOVAK: It's not.

15 MR. GOTTESMAN: It is.

16 MR. MILLER-NOVAK: It's not.

17 MR. GOTTESMAN: Let me make my
18 record. Let me make my record.

19 MR. MILLER-NOVAK: No, no. There's
20 no talking objections.

21 MR. GOTTESMAN: If you want to ask
22 questions about facts in dispute in this
23 case, you're allowed to do that. But to
24 sit here and have banter about the nature
25 of the recording device that's been

1 covered in detail, it's getting to be
2 oppressive and it's going too far.

3 MR. MILLER-NOVAK: Okay.

4 MR. GOTTESMAN: So if you want to ask
5 questions --

6 MR. MILLER-NOVAK: I can guarantee
7 I'm going no further than your counsel did
8 yesterday. I'm just asking his
9 understanding, what his impressions were.
10 It's not argumentative.

11 MR. GOTTESMAN: We've covered it's a
12 pen.

13 MR. MILLER-NOVAK: I get it.

14 MR. GOTTESMAN: We've covered that he
15 recorded it. We've covered they didn't
16 know.

17 MR. MILLER-NOVAK: I'm asking my
18 questions. If you want to tell him not to
19 answer a question, you can tell him not to
20 answer.

21 MR. GOTTESMAN: Fine.

22 MR. MILLER-NOVAK: Again, I'll review
23 the Rules of Civil Procedure. Your
24 objections can be short. They can be
25 concise. They can't be narrative. You

1 can't affect the testimony. I'm fine. We
2 can print out the rules. You can read
3 them.

4 MR. GOTTESMAN: I've read them.

5 MR. MILLER-NOVAK: Okay. Then you
6 understand them?

7 MR. GOTTESMAN: I don't need a lesson
8 from you.

9 MR. MILLER-NOVAK: Okay. Well, then
10 I don't need the talking objections.

11 MR. GOTTESMAN: It wasn't an
12 objection, Counselor.

13 MR. MILLER-NOVAK: Okay.

14 MR. GOTTESMAN: I'm asking you to
15 move to matters in dispute, questions
16 about facts, not bantering back and forth
17 --

18 MR. MILLER-NOVAK: This is a matter
19 of dispute.

20 MR. GOTTESMAN: -- with my client.

21 MR. MILLER-NOVAK: He recorded the
22 meeting. I'm asking his understanding
23 about public records information. I'm
24 going to continue my line of questioning.
25 If you don't like it --

1 MR. GOTTESMAN: If you keep covering
2 the same ground again, I'm going to
3 instruct him not to answer.

4 MR. MILLER-NOVAK: That's fine. And
5 we'll file a motion to compel.

6 MR. GOTTESMAN: Great. Do it.

7 MR. MILLER-NOVAK: And we'll do this
8 again.

9 MR. GOTTESMAN: Do it.

10 MR. MILLER-NOVAK: Okay. That's
11 great.

12 BY MR. MILLER-NOVAK:

13 Q. Anyways, it's a pen, correct?

14 MR. GOTTESMAN: Don't answer that.

15 Q. To you does it appear as a recording
16 device as a pen?

17 MR. GOTTESMAN: Don't answer that.

18 MR. MILLER-NOVAK: I didn't ask that
19 question before.

20 MR. GOTTESMAN: It's in the record.
21 It's clear.

22 MR. MILLER-NOVAK: Okay. He never
23 answered it because you've interrupted.

24 MR. GOTTESMAN: I've told him not to
25 answer. Move on.

1 MR. MILLER-NOVAK: So you're not
2 going to let him answer whether or not --

3 MR. GOTTESMAN: I told him not to
4 answer. Move on.

5 MR. MILLER-NOVAK: -- he believes it
6 looks like a recording device?

7 Q. In your opinion do you believe that it
8 looks like a recording device?

9 MR. GOTTESMAN: Don't answer that.

10 Q. Do you assume that every pen you see is a
11 recording device?

12 MR. GOTTESMAN: Don't answer that.

13 MR. MILLER-NOVAK: This is like one
14 of the most obstructive defenses of a
15 deposition I've ever had in my career.

16 Are you going to keep continuing to
17 tell him not to answer?

18 MR. GOTTESMAN: Ask your questions,
19 Counselor, and I'll instruct my client as
20 I deem appropriate.

21 MR. MILLER-NOVAK: Okay. Well, we
22 are going to be filing a motion to compel
23 on this.

24 MR. GOTTESMAN: Fantastic.

25 MR. MILLER-NOVAK: Great.

1 BY MR. MILLER-NOVAK:

2 Q. All right. So why did you choose a pen as
3 opposed to just putting your cell phone out on the
4 table and recording it?

5 A. Honestly, I don't have that much memory on
6 my cell phone.

7 Q. So you're going to say you bought the pen
8 because your cell phone memory was out?

9 A. Yes.

10 Q. Okay. You couldn't just delete recordings
11 that are on your cell phone?

12 A. No.

13 Q. You couldn't just buy a recording device
14 that looked like a recording device?

15 A. You know honestly, I don't think they sell
16 those anymore.

17 Q. Okay. So the only recording device
18 available to you was a pen?

19 A. Yes.

20 Q. That's your only option on the market?

21 A. Or another cell phone.

22 Q. Okay. So if I was to search recording
23 device in Google -- did you do that?

24 A. I don't recall.

25 Q. So you don't remember if you searched

1 recording device in Google as opposed to looking for
2 a pen recording device?

3 A. What was the question?

4 MR. MILLER-NOVAK: Would you just
5 repeat the question.

6 THE COURT REPORTER: "So you don't
7 remember if you searched recording device
8 in Google as opposed to looking for a pen
9 recording device?"

10 A. I don't recall. I didn't purposely look
11 for a pen recording device.

12 Q. So it never occurred to you at any time
13 you may be creating a public record when you
14 recorded the conversation?

15 MR. GOTTESMAN: Don't answer that.
16 You've answered that already.

17 MR. MILLER-NOVAK: So you're
18 instructing him to not answer that
19 question?

20 MR. GOTTESMAN: It's in the record.
21 You've already asked him. And he's
22 answered it. And I've told you, I'm not
23 going to sit here and tolerate repetitious
24 questions being asked and answered over
25 and over again.

1 Q. Did you research online at all whether or
2 not you created a public record by recording that
3 conversation?

4 A. No.

5 Q. Did you talk to any other deputy about
6 whether or not you've created a public record when
7 you recorded that conversation?

8 A. No.

9 Q. Did you even think to consider whether or
10 not you were going to create a public record when
11 you recorded that conversation?

12 MR. GOTTESMAN: Objection. Don't
13 answer that. He's answered that already.

14 MR. MILLER-NOVAK: How many questions
15 is that that you refuse to answer, five,
16 six?

17 MR. GOTTESMAN: It's a transcript.
18 It will show them.

19 MR. MILLER-NOVAK: Yeah, it's been a
20 lot. It's a record for me.

21 Q. So did you do any research on how to
22 handle public records when you made that recording?

23 A. No.

24 Q. Did you look at the Sheriff's Department's
25 policy on public records before you made that

1 recording?

2 A. No.

3 Q. Did you look at the Sheriff's Department's
4 handling of public records before you made that
5 recording?

6 A. No.

7 Q. Did you look at the Sheriff's policy about
8 handling public records after you made that
9 recording?

10 A. No.

11 Q. Did you look at Ohio statutory law at all
12 about recordings or handling public records after
13 making that recording?

14 A. No.

15 Q. Are you aware of whether or not that Ohio
16 statutory law requires that when you leave a public
17 office, that you return all public records to that
18 office?

19 A. No.

20 Q. Are you aware that it violates Ohio
21 statutory law to remove public records from a public
22 office when you leave?

23 MR. GOTTESMAN: Objection.

24 A. No.

25 Q. Are you aware that it's unlawful to

1 destroy a public record after you leave a public
2 office?

3 MR. GOTTESMAN: Objection.

4 A. No.

5 Q. Are you aware that public records includes
6 multiple copies of public records?

7 A. No.

8 Q. Are you aware that public records can
9 include drafts of public records?

10 A. No.

11 Q. Did you consider whether or not you were
12 putting a public record on Jennifer's laptop when
13 you copied the recording onto her laptop?

14 A. No.

15 Q. Did you consider whether or not you
16 destroyed a public record when you deleted or lost
17 that public record that was on her laptop?

18 MR. GOTTESMAN: Objection. Assumes
19 facts not in evidence.

20 A. No.

21 Q. Are you aware that the public records are
22 the property of a public office?

23 A. Yes.

24 Q. Do you agree that when you have property
25 of a public office, that you should return it to

1 that public office when you leave?

2 MR. GOTTESMAN: Objection. Don't
3 answer that. You answered that at the
4 outset of this deposition. I'm
5 instructing him not to answer.

6 Q. If you had a public record of the office
7 and it was the property of the public office, would
8 you agree that it was your duty to return it to that
9 public office?

10 A. Yes.

11 Q. Would you agree that it would be
12 inappropriate to refuse to return a public record to
13 an office when it demands for that record's return?

14 MR. GOTTESMAN: You answered that at
15 the outset of this deposition. I'm
16 instructing you not to answer.

17 MR. MILLER-NOVAK: I didn't ask about
18 a public record. I did not.

19 Are you going to instruct him not to
20 answer a new question?

21 MR. GOTTESMAN: I have instructed him
22 not to answer.

23 MR. MILLER-NOVAK: So you're going to
24 instruct him not to answer a brand new
25 question?

1 MR. GOTTESMAN: That was my
2 instruction.

3 MR. MILLER-NOVAK: That hasn't been
4 asked and answered. I never asked it.

5 MR. GOTTESMAN: I'll check the
6 transcript during a break perhaps.

7 Make a note for me.

8 MR. MILLER-NOVAK: So you're going to
9 instruct him to not answer a brand new
10 question?

11 MR. GOTTESMAN: I have instructed him
12 not to answer.

13 MR. MILLER-NOVAK: It's relevant,
14 isn't it?

15 MR. WIEST: Is there a question
16 pending?

17 MR. GOTTESMAN: Yeah. Next question.

18 MR. WIEST: What's the pending
19 question?

20 THE COURT REPORTER: The question
21 was, "Would you agree that it would be
22 inappropriate to refuse to return a public
23 record to an office when it demands for
24 that record's return?"

25 MR. MILLER-NOVAK: I can guarantee I

1 never mentioned public records at the
2 onset of this deposition.

3 So are you going to instruct him to
4 not answer that question?

5 MR. GOTTESMAN: I already have,
6 Counsel. And I'm not going to keep
7 answering you over and over again. Ask
8 your next question.

9 BY MR. MILLER-NOVAK:

10 Q. Why did you not return that recording to
11 the public office when you left?

12 MR. GOTTESMAN: Objection.

13 Don't answer that.

14 Q. You're not going to answer that question?

15 MR. GOTTESMAN: I've instructed him
16 not to.

17 MR. MILLER-NOVAK: On what grounds;
18 is it privileged?

19 MR. GOTTESMAN: I'm not going to
20 explain it to you, Counsel. If you feel
21 the need to file a motion on it, we can
22 file a motion on it.

23 MR. MILLER-NOVAK: I guess we're
24 going to have to engage in motion
25 practice.

1 MR. GOTTESMAN: What's that?

2 MR. MILLER-NOVAK: I guess we're
3 going to have to engage in motion practice
4 or have a conference with the judge at
5 some point.

6 MR. GOTTESMAN: Okay.

7 MR. MILLER-NOVAK: So you're
8 instructing him to not answer the question
9 why he did not return that recording to
10 the office after he left?

11 MR. GOTTESMAN: There was a court
12 order frankly that authorized to keep it
13 from you, right?

14 MR. MILLER-NOVAK: Well, you asked
15 for it.

16 MR. WIEST: And we dispute that it's
17 a public record.

18 MR. GOTTESMAN: And we don't accept
19 the premise of your question.

20 MR. MILLER-NOVAK: All right.

21 MR. GOTTESMAN: So that's where we
22 are.

23 BY MR. MILLER-NOVAK:

24 Q. Why did you not return that recording to
25 Hamilton County after you left Hamilton County?

1 MR. GOTTESMAN: Don't answer that
2 question.

3 Q. When did you hire this law firm or this
4 counsel?

5 A. I don't recall.

6 Q. Was it the next day after you left
7 Hamilton County?

8 A. No.

9 Q. Was it a week after you left Hamilton
10 County?

11 A. No.

12 Q. Was it a month after you left Hamilton
13 County?

14 A. I believe it was more than a month.

15 Q. Okay. So between the time you left
16 Hamilton County and you hired this counsel, why did
17 you not return the recording to the County?

18 MR. WIEST: Objection to form.

19 MR. GOTTESMAN: Jason -- excuse me.
20 I'm getting both sides. I'm instructing
21 him not to answer. We're covering the
22 same ground over and over again.

23 MR. MILLER-NOVAK: I mean, we're only
24 covering -- I'm going to ask different
25 questions and see if there's one that

1 you'll let him answer. It can't be
2 privileged because he hadn't hired you
3 yet, so you can't possibly claim that it's
4 a privileged communication.

5 So I'm asking the period of one month
6 or whatever it was between the time he
7 left the employ of the County to the time
8 he hired you why he did not return the
9 recording to the --

10 MR. GOTTESMAN: Because it wasn't a
11 public record.

12 MR. MILLER-NOVAK: Well, you're
13 saying it wasn't a public record and
14 that's fine.

15 MR. GOTTESMAN: And we're done
16 covering this. So if you want to move on
17 to new territory, do so. If you want to
18 sit here and talk about public records,
19 I'm done listening to the questions. I'm
20 not letting him answer any more. I think
21 you've exhausted the subject by now.

22 MR. MILLER-NOVAK: Okay. I've
23 exhausted the part that you've allowed him
24 to testify, not any of the part that you
25 refuse to let him testify.

1 So it's your statement right now
2 you're no longer going to allow him to
3 testify about public records questions?

4 MR. WIEST: It's up to you.

5 MR. GOTTESMAN: You know what, let's
6 take a break. It's 12:16. I think it's a
7 good time for lunch.

8 THE COURT REPORTER: We're off the
9 record.

10 (A lunch recess was taken.)

11 (Defendants' Deposition Exhibit No. 5
12 was marked for identification.)

13 BY MR. MILLER-NOVAK:

14 Q. All right. We just handed you Defendants'
15 Exhibit 5. I'm going to represent that this is
16 Section 149.351 of the Ohio Revised Code titled
17 Prohibiting Destruction or Damage of Records; do you
18 see that?

19 A. Yes.

20 Q. Do you see in subsection A it says, All
21 records are the property of the public office
22 concerned and shall not be removed, destroyed,
23 mutilated, transferred, or otherwise damaged or
24 disposed of, in whole or in part, except as provided
25 by law; do you see that?

1 A. Yes.

2 Q. Okay. Do you see the last sentence of
3 that paragraph where it says, Those records shall be
4 delivered by outgoing officials and employees to
5 their successors and shall not be otherwise removed,
6 destroyed, mutilated, or transferred unlawfully; do
7 you see that?

8 A. Yes.

9 Q. So regarding your recording that you took
10 on the pen --

11 A. Yes.

12 Q. -- you would agree that you did not
13 provide that or deliver it to any of the county
14 officials upon your departure?

15 A. Correct.

16 MR. GOTTESMAN: Objection.

17 THE WITNESS: Oh, sorry. I'll slow
18 down.

19 A. Correct. Because it's mine. It's my
20 recording.

21 Q. Okay. And you did not deliver it to any
22 successor, correct?

23 A. No.

24 Q. Okay. Do you agree that if that recording
25 constituted a public record, then you would have

1 violated that statute, wouldn't you?

2 MR. GOTTESMAN: Objection.

3 A. It wasn't public record.

4 Q. If it constituted public record, then you
5 violated this statute by removing it, correct?

6 A. Correct. If it's a public record.

7 Q. And you would agree that if it is a public
8 record, that this statute creates in you an
9 affirmative duty to deliver it back to the office,
10 correct?

11 A. Correct.

12 MR. MILLER-NOVAK: Okay. You can
13 give that to her.

14 Q. Earlier I believe your counsel testified
15 that something in the collective bargaining
16 agreement states that certain rules about officer
17 conduct only apply when you're on duty; do you
18 recall that?

19 MR. GOTTESMAN: Objection to form.

20 A. Yes.

21 Q. Okay. Do you know what part of the
22 collective bargaining agreement says that?

23 A. No, not offhand.

24 Q. Are you familiar with any part of the
25 collective bargaining agreement that says that

1 there's no rules about conduct that apply off duty?

2 A. Not unless I had it in front of me, no.

3 Q. Okay. Well, we're going to talk about it
4 at some point today, but before we do that -- I
5 mean, you actually agree that there's a lot of rules
6 for officers that apply to their duty off -- their
7 conduct off duty, correct?

8 MR. GOTTESMAN: Objection.

9 A. Yes.

10 Q. I mean, it's pretty typical in police
11 handbooks that you have certain duties of moral
12 character, correct?

13 MR. GOTTESMAN: Objection.

14 Q. And certain things you might do off duty
15 would violate government policy, correct?

16 MR. GOTTESMAN: Objection.

17 A. If it's illegal, yes.

18 Q. Okay. Only if it's illegal or there are
19 other things that you can do off duty that could
20 violate policy?

21 MR. GOTTESMAN: Objection.

22 A. I don't know any right offhand, no.

23 Q. Okay. Well, earlier we reviewed a social
24 media policy, didn't we?

25 A. Yes.

1 Q. And there was some regulations about how
2 you can use personal social media accounts, correct?

3 A. Correct.

4 Q. Okay. So that, for instance, would be a
5 policy that would regulate your personal use of
6 social media, correct?

7 MR. GOTTESMAN: Objection.

8 A. Correct.

9 Q. Okay. You would agree that an officer,
10 for instance, wouldn't be allowed -- there would be
11 a violation of policy to get on social media and say
12 things that are inadvertently racist, correct?

13 MR. GOTTESMAN: Objection.

14 A. I would disagree. If it's on their
15 private page, that's their own opinion.

16 Q. Okay. So you believe that it's okay for
17 officers to make -- I don't know -- to post on
18 Facebook and maybe use the N-word?

19 MR. GOTTESMAN: Objection.

20 A. I mean, that's a hypothetical. But I
21 have -- it's their own private page. Who am I to
22 say what they can and can't do on their own private
23 page.

24 Q. Okay. So you believe that it's okay for
25 an officer in their personal time to engage in hate

1 speech?

2 MR. GOTTESMAN: Objection.

3 A. It's not -- it's just a matter of opinion.
4 It's their private page. So what they want to do
5 has no bearing on me.

6 Q. Do you believe that officers could join
7 hate groups such as the KKK on their personal time?

8 MR. GOTTESMAN: Don't answer that.

9 You've covered this this morning.

10 This is repetitious. I'm instructing him
11 not to answer.

12 MR. MILLER-NOVAK: I'm just trying to
13 clarify his answers --

14 MR. GOTTESMAN: I've given him my
15 instruction, Counselor. And I'm not going
16 to debate it with you.

17 MR. MILLER-NOVAK: I have never in my
18 life --

19 MR. GOTTESMAN: Okay.

20 MR. MILLER-NOVAK: -- seen people --

21 MR. GOTTESMAN: Next question.

22 MR. MILLER-NOVAK: You do realize the
23 Rules of Civil Procedure only allow you to
24 instruct him to not answer a question when
25 it is a matter of privilege?

1 MR. GOTTESMAN: That's not true.

2 MR. MILLER-NOVAK: Okay. So how is a
3 question that may have been asked in a
4 different context and now might have a
5 different meaning in this concurrent --

6 MR. GOTTESMAN: It's repetitious.
7 It's harassment.

8 MR. MILLER-NOVAK: It doesn't matter.
9 It's not harassment.

10 MR. GOTTESMAN: It's prohibited.
11 What you're doing is prohibited under
12 Federal Rule of Civil Procedure 26, okay?

13 MR. MILLER-NOVAK: What rule is --

14 MR. GOTTESMAN: I'm not going to
15 recite the rule to you, Counselor. You're
16 responsible for knowing them yourself.

17 It's repetitious, it's harassment,
18 and I'm instructing him not to engage with
19 you on it.

20 MR. MILLER-NOVAK: You are absurd.

21 BY MR. MILLER-NOVAK:

22 Q. Do you believe that a deputy in his off
23 time could join a terrorist organization?

24 A. No.

25 Q. Okay. Do you believe as an officer you

1 could use your own personal Facebook page to engage
2 in statements that you use racial epithets such
3 as -- I don't know -- let's just say a derogatory
4 term aimed at someone's sexual orientation?

5 MR. GOTTESMAN: Objection.

6 A. On their own personal page?

7 Q. Yes.

8 A. It's their opinion.

9 Q. Okay. And you don't believe that a
10 sheriff's department has the right to regulate
11 speech -- the hate speech of their officers?

12 MR. GOTTESMAN: Objection.

13 A. I mean, it's on their own private page.
14 What they do privately is their -- their business.
15 It doesn't mean I have to agree with it.

16 Q. Let's go to page seven and paragraph 32 of
17 your complaint. Getting back to the October 10,
18 2023 meeting, your complaint states that McGuffey
19 began the meeting by stating that she had been
20 looking forward to talking with Jason, and what he
21 could expect in the future in the Sheriff's Office;
22 do you see that?

23 A. Yes.

24 Q. Okay. So you would agree that she started
25 the meeting by talking about your future in the

1 office, correct?

2 A. Correct.

3 Q. It continues on paragraph 33, At that
4 point, Jason asked about the RENU position and his
5 promotion to corporal. In response, Gramke and
6 McGuffey stated that they had issues with Jason's
7 social media post in May 2022; do you see that?

8 A. Yes.

9 Q. And then it continues that they also --
10 you allege that they had issues with Jennifer's
11 social media posts that were critical of the Sheriff
12 and had issues with Jennifer's social media post
13 related to Caroline Adams, including, most recently,
14 Jennifer liking Adams' post about morale; do you see
15 that?

16 A. Yes.

17 Q. Okay. Regarding your RENU position,
18 earlier we went through the time line and you found
19 out that Gramke overrode your appointment to RENU in
20 March of 2023, correct?

21 A. Correct.

22 Q. And we also came to the conclusion that
23 Jennifer liked Adams' post about morale in April of
24 2023, correct?

25 A. Correct.

1 Q. Okay. Which was a month after the
2 override, correct?

3 A. Correct. Because that was the only -- at
4 that time the only post we found that she liked. It
5 wasn't -- I think in the meeting he didn't specify
6 exactly what post she liked.

7 Q. And that was Jay Gramke that said that?

8 A. Yes.

9 Q. At any point during the meeting did
10 Sheriff McGuffey tell you that it was her decision
11 to override your appointment to RENU?

12 A. No.

13 Q. At any point during the meeting did Jay
14 Gramke tell you that it was Sheriff McGuffey's
15 decision to override your appointment to RENU?

16 A. No.

17 Q. At any point during the meeting did Jay
18 Gramke tell you that Sheriff McGuffey had anything
19 to do with his decision to override your appointment
20 to RENU?

21 A. She's the overall one that makes the
22 decision. She's the last and final say-so.

23 Q. Did she sign off on it?

24 A. Neither one of them signed off on it.

25 Q. Did Jay Gramke tell you that she made the

1 decision?

2 MR. GOTTESMAN: Objection. Asked and
3 answered.

4 A. I don't recall if she actually -- because
5 she would have to okay it or override it if she
6 wanted.

7 Q. How do you know that?

8 A. Because she's the sheriff. She makes the
9 final say-so.

10 Q. In that specific process?

11 A. In pretty much any process. She's the
12 sheriff.

13 Q. Does she have to approve every decision
14 that's made in the Sheriff's Department?

15 MR. GOTTESMAN: Objection.

16 A. When it comes to promotions and movement,
17 yes.

18 Q. Okay.

19 A. She signs off on every one of them.

20 Q. Do you know whether or not it was brought
21 to her attention?

22 MR. GOTTESMAN: Objection. Calls for
23 speculation.

24 A. That I do not know.

25 Q. I mean, just because someone should do

1 something doesn't necessarily mean that they do,
2 correct?

3 MR. GOTTESMAN: Objection. Vague.

4 A. Well, that would be violating policy then.

5 Q. Well, is there a policy that specifically
6 says that she's required to make that decision?

7 A. No. But she's required to sign it to make
8 that decision if that decision is made.

9 Q. Okay. Where does it say that?

10 A. I don't have it in front of me.

11 Q. I mean, where would I find it?

12 A. I would say under the Sheriff's duties and
13 responsibilities of the department she would be the
14 final say-so on what goes on with that department.

15 Q. Okay. Is that in a statute somewhere?

16 A. I'm sure it's in our policy -- or the
17 Sheriff's policy.

18 Q. What the Sheriff's policy?

19 A. One of the sheriff policies that she has.

20 Q. So she writes policies that orders herself
21 to do certain things?

22 A. To have a movement or transfer it has to
23 go through the chain of command, and the last person
24 to sign off on it to be approved -- either
25 disciplinary or movement, transfers, or

1 promotions -- is the Sheriff. It's probably under
2 promotions in the policy and procedure.

3 Q. Okay. To approve of a promotion?

4 A. Yes.

5 Q. Is there anything that says that she has
6 to approve of a rejection?

7 A. I don't know.

8 Q. Okay. You do agree those are two
9 different things, right?

10 A. Correct.

11 Q. Okay. One is all of her -- I don't
12 know -- her subordinates through the chain have
13 approved of your promotion to a rank, right?

14 A. Correct.

15 Q. Okay. That's one thing. And then you're
16 saying she has to sign off before it's official,
17 correct?

18 A. Correct.

19 Q. What if you never even get to that point;
20 do you know whether or not a rejection or denial of
21 someone's application has to be approved by her?

22 A. If the lower subordinates want me in that
23 position, I'm assuming so, yes.

24 Q. Okay. You're assuming so?

25 A. Correct.

1 Q. There's a difference between assuming
2 something and knowing something, correct?

3 A. Correct. And I told you I couldn't prove
4 that. But if the Chief doesn't want me there, he
5 has to go -- he'll have to get approval from the
6 Sheriff. Because what if the Sheriff wanted me in
7 that position?

8 Q. But at the same point in time --

9 A. Or we can speculate back and forth with
10 it.

11 Q. Let me ask my question.

12 A. I'm sorry.

13 Q. What if at the same point in time he's not
14 required to do that; would you agree that that's
15 possible?

16 A. Yes, it's possible.

17 Q. Okay. Because there are a lot of things
18 that happen in the Sheriff's Department that the
19 Sheriff doesn't necessarily approve of, correct?

20 A. I guess, yes.

21 Q. All right. So every time someone orders a
22 pack of paper, they have to go to the Sheriff and
23 say we need you to approve ordering this pack of
24 paper?

25 A. No. I specified movement, discipline, or

1 promotions.

2 Q. Okay. So do you think that she reviews
3 every single person that ever gets rejected from an
4 application to a position?

5 A. If they are being moved or promoted, yes.

6 Q. Okay. If they're being moved or promoted,
7 correct?

8 A. Or disciplined, yes.

9 Q. Okay. Well, you would agree that when you
10 applied for RENU, you were not moved, correct?

11 A. I was in the process of being moved. I
12 was already assigned there per RENU.

13 Q. Okay. But RENU had to ask Jay Gramke,
14 correct?

15 A. It had to go up to the Sheriff for the
16 approval.

17 Q. Okay. Where do you know that it has to go
18 up to the Sheriff? That's what I'm trying to get
19 to.

20 A. Because she's in charge. She has to sign
21 off on the transfer.

22 Q. Okay. But no transfer had been
23 recommended at that point beyond Jay Gramke,
24 correct?

25 A. It stopped -- my name went up the chain of

1 command to be moved to RENU. It stopped at Gramke.

2 Q. Okay. Well, how do you know that Gramke
3 ever informed Sheriff McGuffey that he overrode your
4 placement on RENU?

5 A. Because he said it in the meeting.

6 Q. Okay. He said it in the meeting?

7 A. Yes.

8 Q. Did he talk to Sheriff McGuffey about it
9 before he overrode it?

10 A. I have no idea.

11 Q. Or after he overrode it?

12 A. I have no idea when it was discussed.

13 Q. Okay. Do you know whether or not it was
14 discussed right before the meeting?

15 A. Like I said, I have no idea when it was
16 discussed.

17 Q. Okay. I think yesterday her testimony was
18 that she just found out about it the day of the
19 meeting. Do you have any evidence that that's not
20 true?

21 A. No.

22 Q. Okay. So for all you know when she said I
23 had no idea that he applied for the RENU position as
24 of October 10, 2023 -- do you have any evidence that
25 what she said is not true?

1 A. That she didn't know I applied for RENU?

2 Q. Yes.

3 A. Yes. When she attended briefing back in
4 the spring, when she interviewed -- or asked each
5 and every one of us in briefing where you work and
6 what your goals are, and I have specifically told
7 her I'm still trying to get RENU.

8 MR. GOTTESMAN: Before you ask
9 another question, I need to speak to him
10 for a second.

11 Go ahead, Counselor. I'm sorry.

12 Q. So during the briefing did you say that I
13 currently have filed an application for RENU?

14 A. No. I believe I said I was currently --
15 I'm currently still trying to get to RENU, I believe
16 is what was said.

17 Q. Okay. You said it was a goal of yours,
18 correct?

19 A. Correct.

20 Q. You didn't tell her you had a pending
21 application, though, did you?

22 A. It wasn't pending. It was already denied.

23 Q. Okay. So in other words, you didn't tell
24 her that you had -- even if you consider that to be
25 informing her you had filed it, the decision

1 overriding it already had been made, correct?

2 A. Correct.

3 Q. Okay. So that's not any knowledge that
4 she had before Jay Gramke denied or overrode your
5 application to RENU, correct?

6 A. She stated -- so it was brought up then.
7 And she stated in my sit-down meeting that she knows
8 everything that's going on in this department and
9 what everybody is doing. And she clearly stated
10 that. So she knew that it was denied.

11 Q. Okay. So she made a general statement
12 that she knows everything going on in the
13 department?

14 MR. GOTTESMAN: Objection to
15 characterization.

16 A. She stated she knows everything that's
17 going on.

18 Q. Okay. All right. Do you agree that
19 that's an overgeneralized statement?

20 MR. GOTTESMAN: Objection.

21 A. I'm just quoting what she said.

22 Q. Okay. Well, earlier you told me a story
23 about deputies showing each other memes from
24 Caroline Adams, correct?

25 A. Correct.

1 Q. And laughing about it, correct?

2 A. Correct.

3 Q. Okay. Do you think she knows exactly when
4 that happens?

5 A. When what happens?

6 Q. When that happens, when people are sharing
7 memes; do you know who is sharing memes -- do you
8 think she knows exactly who is sharing memes when
9 that's occurring?

10 A. The Sheriff?

11 Q. Yes.

12 A. I'm sure she has a clue.

13 Q. Okay. When you recorded that meeting, do
14 you have any knowledge that she knew that you were
15 recording that meeting with your pen?

16 A. Do I have any knowledge?

17 Q. Yes.

18 A. No.

19 Q. Okay.

20 A. But do I think she knew? Yes.

21 Q. Okay. You believe she knew that you were
22 recording her?

23 A. I believe so.

24 Q. Okay. And what do you base that knowledge
25 upon?

1 A. Because of my past history with her with
2 recording our meetings and I thought she would know.
3 I mean, she's asked for a recording from me before
4 from a meeting.

5 Q. When you were a union president, correct?

6 A. Yes.

7 Q. When you were a union president, were you
8 using a pen to record those conversations?

9 A. Originally it was a -- it was a
10 tape-recorder. That wasn't -- I didn't know how to
11 transfer that to a digital, because it didn't have a
12 cord. So then I went to a little digital recording.

13 Q. Okay. But it wasn't a pen, correct?

14 A. Was that last one a pen? No.

15 Q. Okay. All right. Let's continue to
16 paragraph 33 -- oh, we were on that one. I meant
17 34. During that meeting -- and, again, referencing
18 the RENU position and promotion to corporal, Gramke
19 made the statement that Jason's wife made a comment
20 on social media two years ago, and that there had to
21 be consequences for her post; do you see that?

22 A. Yes.

23 Q. Do you agree with that statement?

24 A. Yes.

25 Q. 35, During that meeting, and again,

1 referencing the RENU position and promotion to
2 corporal, Gramke and McGuffey acknowledged that they
3 knew Jennifer had the right to say what she wanted
4 and associate with who she wanted on social media.
5 Do you agree that they said that?

6 A. Yes.

7 Q. At any time did they tell you that
8 Jennifer did not have a right to say what she
9 wanted?

10 A. Just that there would be consequences.

11 Q. Okay. They said that there would be
12 consequences. I understand that. But my question
13 was, at any point in time did they ever make the
14 statement that Jennifer has no right to say what she
15 wants on Facebook?

16 A. Unless -- you'll be held the consequences
17 for it.

18 Q. Okay. You're answering a question I
19 didn't ask. The question I asked was, did they tell
20 you that she did not have the right to make the
21 statement she wants to make on Facebook?

22 A. Not the right, but there will be
23 consequences if she continues to make statements on
24 social media.

25 Q. Okay. But she can make those statements,

1 correct?

2 A. Unless -- right. Unless I don't want to
3 get promoted.

4 Q. Okay. Did they say unless you don't want
5 to get promoted or just say consequences?

6 A. There will be held consequences and I will
7 not be promoted. Yes, Gramke said that.

8 Q. Okay. So at some point you're saying that
9 Gramke said you would not be promoted if she --

10 A. We can't -- I'm sorry.

11 Q. -- if she continued to make statements?

12 A. We cannot promote you.

13 Q. Did Sheriff McGuffey say that?

14 A. I don't recall.

15 Q. At any point did they tell you that your
16 wife is not permitted to associate with who she
17 wants to on social media?

18 A. No.

19 Q. Paragraph 26 --

20 A. 26 or 36?

21 Q. 36.

22 A. Okay.

23 Q. Thank you, sir. McGuffey, and again,
24 referencing the RENU position and promotion to
25 corporal, then stated she wanted Jason to be

1 successful, but to do so, he needed to cut loose the
2 people holding him back -- said another way, that he
3 needed to divorce his wife and end his 20-plus year
4 relationship with her -- if he was ever to be
5 promoted or receive any preferential assignment at
6 the Hamilton County Sheriff's Office; do you see
7 that?

8 A. Yes.

9 Q. Okay. You would agree that that is a
10 paraphrase, correct?

11 A. Yes.

12 Q. She did not exactly ever tell you that you
13 needed to divorce your wife, did she?

14 A. She absolutely meant that 100 percent.

15 Q. Okay. You're saying she meant that?

16 A. Yes.

17 Q. I didn't ask what you think she meant.
18 I'm asking you what words came out of her mouth
19 right now.

20 A. I don't have that exactly in front of me.
21 But that's what she implied.

22 Q. Okay. And imply is not a statement; would
23 you agree with that?

24 A. Right.

25 Q. Okay. At any point in time did she make

1 the expressed statement with words that you need to
2 divorce your wife?

3 A. No. Just implied.

4 Q. Okay. At any point in time did Jay Gramke
5 ever tell you that you needed to divorce your wife?

6 A. No. He agreed with what the Sheriff said.

7 Q. Okay. So right here it says that the
8 statement she made was you needed to cut loose the
9 people holding you back.

10 A. Correct.

11 Q. Okay. Is that the statement you believe
12 means that you needed to divorce your wife?

13 A. The way it was paraphrased, yes, it was.
14 After her story of her kicking out the person of her
15 house and then referring to this, yes, absolutely.

16 Q. Was the person of her house her wife?

17 A. It was somebody that lived with her.

18 Q. Okay. I didn't ask if it was somebody
19 that lived with her.

20 A. I don't know if they were married or not.

21 Q. Okay. So if I were to tell you that was
22 not her wife, would you have any reason to disagree
23 with that?

24 A. No.

25 Q. Okay. This says you need to cut loose the

1 people that are holding you back. Do you agree that
2 people is a word that is plural?

3 A. Correct.

4 Q. So it's not person, correct?

5 A. Correct.

6 Q. So when the word people is said, it could
7 refer to multiple people, correct?

8 A. Correct.

9 Q. So it could mean a group of people,
10 couldn't it?

11 A. Yes.

12 Q. Okay. Did you ever ask her who else she
13 might have meant?

14 A. No. At that time -- it's amazing how much
15 runs through your head in a matter of seconds. But
16 at that time I knew what she meant and what she was
17 referring to, that I was -- it took everything in me
18 not to walk out of that office at that time.

19 Q. At any point did you ask her to confirm
20 whether or not she meant -- she wanted you to
21 divorce your wife?

22 A. No. Because I completely understood what
23 she meant by that phrase.

24 Q. Okay. You completely understood?

25 A. Yes. 100 percent.

1 Q. But she never made a statement saying you
2 must divorce your wife?

3 A. She did not say wife.

4 Q. Okay.

5 A. But that was implied.

6 Q. Okay. Is it possible that she meant
7 something else?

8 MR. GOTTESMAN: Objection.

9 A. Absolutely not.

10 MR. GOTTESMAN: Calls for
11 speculation.

12 A. Absolutely not. Not --

13 MR. MILLER-NOVAK: His testimony is
14 speculation, but continue.

15 A. Not the way it was being used.

16 MR. GOTTESMAN: I mean, we have a
17 transcript. We know what was said.

18 Q. So when you believe something is implied,
19 don't you believe that you're speculating what
20 someone meant?

21 A. I know exactly what she meant.

22 Q. Okay. Based on what?

23 A. The way it was -- the way she used it in
24 that meeting.

25 Q. Okay. And you never asked for any

1 clarification?

2 A. I did not need clarification.

3 Q. Okay. So when she says the phrase the
4 people holding you back, it could only possibly just
5 mean Jennifer Davis in your mind?

6 A. The way the conversation was going, yes,
7 100 percent.

8 Q. Okay. Did they ever talk about people at
9 Anderson at that point during the conversation?

10 A. Yes.

11 Q. Okay. There was a lot of conversation
12 about other deputies at Anderson and these beard
13 policies, correct?

14 A. I don't recall if that was before or after
15 that comment.

16 Q. Well, what if it was before; then couldn't
17 the people be referring to the deputies at Anderson
18 Township?

19 A. But what if it was after, then it would be
20 my wife.

21 Q. What if it was before?

22 A. And what if it was after?

23 Q. Well, I'm asking you.

24 A. I told you I don't recall when it was.

25 Q. Okay. So it could have been before?

1 A. Or it could have been after.

2 Q. Okay. What if it was before, isn't it
3 possible that the phrase "the people" is referring
4 to these folks in Anderson Township?

5 A. Not the way it was used and the way she
6 described it to me when I was sitting there, no.

7 Q. Okay. Did you feel like this conversation
8 was scripted when it was happening?

9 A. Scripted?

10 Q. Yes.

11 A. Like. . .

12 Q. Was she reading --

13 A. Like it was all prepped -- no.

14 Q. Yeah. It wasn't prepped, correct?

15 A. Correct.

16 Q. So this was an impromptu conversation,
17 correct?

18 A. Correct.

19 Q. She didn't have a teleprompter, correct?

20 A. Correct.

21 Q. She wasn't reading from a drafted
22 statement, correct?

23 A. Correct.

24 Q. Did you see any notecards in her hands?

25 A. No.

1 Q. Okay. At that point in time had she also
2 discussed Caroline Adams?

3 A. Yes.

4 Q. Okay. I think she was called a troll,
5 correct?

6 A. Correct.

7 Q. Well, couldn't "the people" also include
8 Caroline Adams?

9 A. If I had contact with Caroline Adams, but
10 I didn't. No. So, again, she was referring to my
11 wife.

12 Q. Okay. So you're this sure that she was
13 referring to your wife?

14 A. Absolutely. Like I said, it took
15 everything in me not to walk out of that meeting at
16 that point. I had a kid going to college. We don't
17 have insurance. Otherwise, I would have walked out.

18 Q. Well, what does your kid and insurance
19 have anything to do with whether or not you asked
20 her if she's referring to your wife?

21 A. I didn't have to ask her, because I knew
22 what she was referring to.

23 Q. Okay. Well, why didn't you just walk out?

24 A. I just told you that. I have a kid going
25 to college and I need the insurance. My wife does

1 not work.

2 Q. Well, what does that have to do with
3 whether or not you walked out?

4 A. Because then I would face disciplinary.

5 Q. What would be the disciplinary?

6 A. I have no idea.

7 Q. Okay. Would you be terminated if you
8 walked out?

9 A. You would have to ask the Sheriff. I
10 mean, it might have been nothing. But I was
11 literally about to walk out and end the meeting.

12 Q. Okay. I mean, there's -- we talked
13 earlier in the collective bargaining agreement
14 there's a disciplinary process, correct?

15 A. Correct.

16 Q. Okay. And you'd be able to challenge your
17 termination if they tried to terminate you for
18 walking out, correct?

19 A. Correct. But you'll -- I'm sorry.

20 Q. That's fine. There's also a grievance
21 procedure, correct?

22 A. Correct. But that's not how they operate.
23 So if -- can we do a hypothetical? If, say, you get
24 a five-day suspension, you get the five days. Then
25 you have to fight that in arbitration. And then

1 your hearing. And then Columbus. You've already
2 served the five days. So depending on what the
3 discipline would have been, I just did not want to
4 go through that process.

5 Q. At any point in this conversation, did
6 they ever threaten to fire you?

7 A. No.

8 Q. Did you think they were going to fire you?

9 A. No. I just thought they weren't going to
10 promote me.

11 Q. Okay. So your belief is that -- I mean,
12 kind of reading your complaint, I guess we can go
13 through it paragraph by paragraph, but my
14 understanding is that your allegation is that unless
15 you divorced your wife, they would never let you
16 advance?

17 A. That was portrayed to me in that office.

18 Q. Did you think they were going to fire you
19 if you stayed married?

20 A. No.

21 Q. Okay. You just think that if you stayed
22 married, you wouldn't get any more favorable
23 positions?

24 A. I would not be able to advance in the
25 Sheriff's Department.

1 Q. Do you think that they were going to
2 demote you if you stayed married?

3 A. There was no demotion at that point.

4 Q. Well, I mean do you think that that was
5 going to happen in the future?

6 A. No. Because I wouldn't be able to get
7 promoted to be demoted.

8 Q. I understand what you're saying.

9 A. Okay.

10 Q. Okay.

11 A. There's no way for me to go down.

12 MR. GOTTESMAN: You could go back to
13 corrections.

14 THE WITNESS: No. I was already gone
15 too long.

16 MR. GOTTESMAN: Oh.

17 MR. MILLER-NOVAK: Just to make sure
18 that that question is on the record since
19 you answered it. I think I was probably
20 going to ask the same question.

21 Q. So you're saying you wouldn't be able to
22 go back to corrections because you've been gone too
23 long, correct?

24 A. Yes.

25 MR. GOTTESMAN: Asked and answered.

1 Q. So in other words, there's really no
2 possibility for you to be demoted, correct?

3 A. Correct.

4 Q. Okay. And you don't think that you're
5 going to be fired because you're married?

6 A. No.

7 Q. All right. And you don't think that
8 you're going to be disciplined because you're
9 married, correct?

10 A. I was being disciplined. I was being
11 denied promotions, which is a form of disciplinary,
12 so. . .

13 Q. Okay.

14 A. And Gramke said that there was
15 consequences and these were the consequences for my
16 wife's post.

17 Q. Okay. So when we have -- at least you
18 don't know that you ever were denied a promotion to
19 corporal; when you say you were denied something,
20 we're referring to the RENU?

21 A. That's still corporal's pay and everything
22 else, yes.

23 Q. Right. You were denied an advancement
24 in -- to RENU you believe because of your wife's
25 statements?

1 A. That's what Gramke told me, yes.

2 Q. Yeah. And then if your wife continued to
3 make statements, that you wouldn't get any more
4 advancement is your allegation?

5 A. That's not an allegation. Gramke states
6 it in there.

7 Q. Okay. So what if your wife never made --
8 what if you stayed married and your wife never made
9 any posts again or any critical statement, do you
10 believe that even then you would never get an
11 advancement?

12 MR. GOTTESMAN: Objection. Calls for
13 speculation.

14 A. With that administration, with those two,
15 no. No.

16 Q. Okay. So your belief is that with this
17 administration that you would never advance again,
18 period, so long as you were married to Jennifer
19 Davis?

20 A. Absolutely.

21 Q. Okay. And you believe that if you
22 divorced her, then you would get advancement, I
23 guess would be the reverse of that, correct?

24 A. Again, that would be speculation. I don't
25 know.

1 Q. All right. Well, they never told you
2 expressly that you had to divorce her in order to
3 get a promotion, correct?

4 A. No. They just insinuated it, that you
5 need to separate yourself from her.

6 Q. Okay. They insinuated it or implied it?

7 A. Implied it.

8 Q. Okay. I just want to make sure. So your
9 testimony today is you believe that if you were to
10 walk in next week saying I filed for divorce, that
11 you would be allowed to advance?

12 A. Honestly?

13 Q. Yes.

14 A. Yes.

15 Q. Okay. But no one expressly stated that?

16 MR. GOTTESMAN: Asked and answered.

17 MR. MILLER-NOVAK: I asked about the
18 divorce.

19 Q. No one expressly stated that if you get
20 divorced, we're going to reward you?

21 A. The comment that was made from the Sheriff
22 about separating myself indicated then you would be
23 promoted.

24 Q. Okay. It never occurred to you that maybe
25 Gramke's suggestion was that your wife needs to stop

1 being critical on Facebook?

2 A. What's the question?

3 Q. I mean, isn't it -- and it never occurred
4 to you that maybe the implication was you didn't
5 need to get divorced, maybe the implication was
6 possibly that your wife just needed to stop being
7 critical on Facebook?

8 A. Wouldn't it have been just a lot easier to
9 say that in the meeting? But it wasn't.

10 Q. Well, wouldn't you agree that if they
11 wanted you to get divorced, it would be just as easy
12 to say that as it would to tell your wife to be
13 quiet, correct?

14 A. You would think.

15 Q. All right. Because we are dealing with
16 what are your beliefs about implications, correct?

17 A. Correct.

18 Q. So when we believe about implications,
19 then sometimes we're wrong, correct?

20 A. Correct.

21 Q. You would agree that sometimes you believe
22 someone meant something when they said something and
23 you weren't correct in your belief, correct?

24 A. Correct.

25 Q. That does happen. So isn't it possible

1 that maybe you interpreted their implication
2 incorrectly?

3 A. You're gathering all their -- all their
4 sayings, what was said in that precise moment
5 leading up to her saying separating myself from the
6 people that was holding me back was implied to my
7 wife 100 percent.

8 Q. Okay. But they also did talk about
9 Anderson people in that conversation at some point
10 in time, correct?

11 A. Again, before or after, I don't recall.

12 Q. You don't recall, but they did. And they
13 also talked about Caroline Adams, correct?

14 A. Again, I had no contact with Caroline
15 Adams.

16 Q. Okay. But they didn't know that, did
17 they?

18 A. I don't know what they know.

19 Q. Okay. You don't know what they know,
20 right?

21 A. Correct.

22 Q. You would agree that you don't read minds,
23 correct?

24 A. Correct.

25 Q. Okay. So when someone doesn't tell you

1 what they know, then you don't necessarily know what
2 they know, correct?

3 A. Okay.

4 Q. Isn't that what speculation is?

5 A. Correct.

6 Q. Okay. So 37. Gramke then added that he
7 heard nothing but good things about Jason's
8 performance from his supervision, demonstrating that
9 the only reason for the RENU assignment denial and
10 failure to award him the promotion was the social
11 media activity, and specifically the social media
12 activity of Jennifer; do you see that?

13 A. Yes.

14 Q. Okay. 38. In short, McGuffey and Gramke
15 admitted during the October 10, 2023, meeting that
16 the RENU reassignment and promotion to corporal were
17 only being denied to him solely because of his and,
18 more significantly, his wife's social media posts;
19 do you see that?

20 A. Yes.

21 Q. Okay. Do you agree with that statement?

22 A. Yes.

23 Q. 39, Jason was devastated when he left the
24 October 10, 2023, meeting; do you see that?

25 A. Yes.

1 Q. 40, when he went home and he reported to
2 Jennifer what Defendants had just told him, and she
3 broke down in tears; do you see that?

4 A. Yes.

5 Q. So you went home and you reported what
6 happened to Jennifer, correct?

7 A. Correct.

8 Q. And did she immediately start to cry?

9 A. Yes.

10 Q. Okay. Did you play the recording for her
11 at that point in time?

12 A. No.

13 Q. Okay. So you just described what you
14 heard, correct?

15 A. Correct.

16 Q. And you told her that you believed the
17 implication was that they wanted you to divorce her,
18 or did you tell her that the implication was is you
19 were denied the appointment because of her speech?

20 A. The speech -- the social media posts.

21 Q. Okay. So at that point in time you never
22 told her, hey, I was in this meeting and they just
23 told me I had to divorce you?

24 A. Yes, I told her that.

25 Q. When?

1 A. I actually think it was before I told her
2 about the social media posts -- actually, yeah, it
3 was. It was before I told her the social media
4 posts.

5 Q. Okay. So Jennifer told him that while she
6 had always supported his law enforcement career, she
7 can no longer support him if he stayed at the
8 Sheriff's Office; did she say that?

9 A. Yes.

10 Q. So she expressly told you she can no
11 longer support you if you stayed there?

12 A. Correct.

13 Q. Okay. What did she tell you to do?

14 A. She didn't tell me to do anything. She
15 just said I can no longer support your career at
16 that department if they're telling me -- or telling
17 me I can't get promoted because I'm still married to
18 her and because of what she posted on social media.

19 Q. So she told you to quit?

20 A. No. She didn't tell me to quit. She just
21 said she won't support me working there. She
22 supported me my entire career in everything I did.

23 Q. And what did you tell her after that?

24 A. I did not know what I was going to do at
25 that moment.

1 Q. At any point during the meeting did Jay
2 Gramke tell you that he wanted you to quit?

3 A. To quit, no.

4 Q. At any point during the meeting did
5 Sheriff McGuffey tell you she wanted you to quit?

6 A. No. They both said great things about my
7 work performance and how well and how good of an
8 officer I am in my reviews and that they wanted me
9 to stay. It's just that they could not promote me
10 due to my wife's social media posts.

11 Q. Okay. So you said -- in that statement
12 you said that your impression was they wanted you to
13 stay?

14 A. They said that in the meeting.

15 Q. Okay. Did you have any reason to believe
16 otherwise?

17 A. That they wanted me to stay or leave?

18 Q. That they wanted you to stay.

19 A. Well, they said it.

20 Q. They invited you at the end of the
21 conversation to kind of like meet again, didn't
22 they?

23 A. In a few months.

24 Q. Okay. And to see where you were,
25 correct -- kind of like where your performance was

1 at that point in time?

2 A. I took that as to see if my wife still
3 posted on social media.

4 Q. Did you take it as to see whether or not
5 they wanted to check in in three months to see if
6 you got a divorce?

7 A. I took it that way as well.

8 Q. Okay.

9 A. If my evals and everything in my
10 performance were fine, then why would you have to
11 check on my performance in three months? It was
12 more to see if my wife continued to post on Facebook
13 or if we actually were separated.

14 Q. When did you decide that you wanted to
15 leave the department?

16 A. I -- honestly I can't recall.

17 Q. Was it when Jennifer told you that she
18 couldn't support you any longer?

19 A. That started the process.

20 Q. So when she said that, you decided I
21 wanted to start looking for another position?

22 A. I didn't know what I was going to do if my
23 wife didn't support my decisions and a career. So I
24 really did not know what I was going to do.

25 Q. 41, Jason knew that his career in law

1 enforcement at the Sheriff's Office was over as a
2 consequence of that meeting and the outrageous and
3 intolerable statements that were made to him
4 regarding the need to divorce his wife and end their
5 20-year marriage if he wanted any sort of
6 preferential assignment or a promotion within the
7 Sheriff's Office; do you agree with that statement?

8 A. Yes.

9 Q. 42, Jason loves Jennifer and was not
10 willing to divorce her just to further advance in
11 his employment with the Sheriff's Office; do you
12 agree with that statements?

13 A. Agree.

14 Q. So you didn't think you needed to divorce
15 her to continue to function as a patrol officer,
16 correct?

17 A. Correct.

18 Q. You just believed that you needed to
19 divorce her in order to advance in the department?

20 A. Correct. Well, yes and no. I really did
21 not know how I was going to continue to work there
22 if my wife did not support me to work there.

23 Q. Okay. So it wasn't that you believed that
24 McGuffey or Gramke would fire you, you believed that
25 you couldn't continue to be a patrol officer because

1 you don't know how you could do that if your wife
2 wouldn't support you as a husband continuing to work
3 as a patrol officer, correct?

4 A. Correct. Because I did not want to stay
5 as a patrol officer my entire career.

6 Q. Okay. And you also wanted your wife's
7 support, correct?

8 A. Absolutely.

9 Q. Okay. And she had told you she would not
10 support you any longer if you stayed there, correct?

11 A. Correct. Because they wanted us to
12 separate.

13 Q. And at some point in time you said that
14 that started the process of you looking for other
15 employment, correct?

16 A. No. I was -- it started the process of
17 what I was going to do with my career.

18 Q. Right. But when you started looking -- I
19 mean, you have to -- I might be jumping a hair into
20 the future here, but when you start applying to
21 jobs, you kind of search for positions that are
22 available, correct?

23 A. Correct.

24 Q. And then you eventually have to fill out
25 an application, especially for police officers, you

1 guys have way more than the average bear to kind of
2 endure when you apply for a position, correct?

3 A. Correct.

4 Q. Okay. So when you were hunting for a job,
5 was Jennifer aware that you were hunting for a job?

6 A. Again, I wasn't hunting for a job. I did
7 not know what I was going to do with my career at
8 that time. I was recruited.

9 Q. Oh, you were recruited by -- is it Butler?

10 A. Yes.

11 Q. Okay. So you ended up working for -- and
12 how did he recruit you?

13 A. By giving me a phone call because he heard
14 how my meeting went.

15 Q. Okay. So he called you and he offered you
16 a job?

17 A. Correct.

18 Q. Okay. Did you accept it on the phone, or
19 did you talk to Jennifer first?

20 A. I talked to Jennifer. And I waited a
21 little while.

22 Q. Okay. That's smart. You should never
23 accept a job without talking to your wife first,
24 correct?

25 A. Absolutely.

1 Q. It's a big decision, right?

2 A. Yes.

3 Q. And did she encourage you to take that
4 position?

5 A. Because of Butler, yes.

6 Q. Okay. So you talked to her about it and
7 she weighed her opinion in and her opinion was take
8 the Springdale position?

9 A. Or continue to be miserable at the
10 Sheriff's Department and not get promoted, yes.

11 Q. Okay. And she said that she would support
12 you if you went to Springdale, correct?

13 A. Correct.

14 Q. And the previous statement was she would
15 not support you if you stayed with Hamilton County,
16 correct?

17 A. Not at a place that would treat me like
18 that, correct.

19 Q. Okay. So at no point in your employment
20 then -- well, I think we discussed earlier there was
21 no possible demotion for you in October of 2023 from
22 patrol, correct?

23 A. Correct.

24 Q. Right. So you were never demoted while
25 you were at -- you were never like demoted at the

1 Sheriff's Department your entire career there,
2 correct?

3 A. Correct.

4 Q. Right.

5 A. When you talk about demotions, my
6 understanding was I was assigned to RENU.
7 Lieutenant Guy already said I was assigned to cases.
8 It was supposed to be me and Deputy Enderle doing
9 hotels. So by being removed and placed back on the
10 regular patrol, that would be a demotion.

11 Q. But Guy is not the sheriff, correct?

12 A. No.

13 Q. Okay. And he's not the chief, correct?

14 A. Correct.

15 Q. Okay. So earlier you said the process
16 actually requires for Jay Gramke to sign off on your
17 employment to RENU, correct?

18 A. Correct.

19 Q. So you would agree until he signs off on
20 it, you're actually not part of RENU, correct?

21 A. They need -- correct. They need the
22 approval.

23 Q. Because earlier you assumed that Sheriff
24 McGuffey has to sign off on your appointment to RENU
25 before it's official, correct?

1 A. She's the last one.

2 Q. Okay. So how could you possibly according
3 to your own testimony have been part of RENU if
4 Gramke never signed off on your appointment to RENU?

5 A. Because in practices in past, when they
6 submit the name through the chain of command, it's
7 signed off on because they go by what RENU wants and
8 who RENU requested.

9 Q. Do you have any idea whether or not any
10 human being was ever rejected after RENU made a
11 recommendation?

12 A. Not of one.

13 Q. So you don't have any personal knowledge
14 whether or not this is the first time that's
15 happened or if it's happened another time in the
16 past?

17 A. My understanding it's not happened before.

18 Q. Okay. You're basing that on an assumption
19 it's not happened before?

20 A. I'm basing it off what Matt Guy told me
21 when he said this has not happened before.

22 Q. Okay. How long has Matt Guy been there?

23 A. He's about to retire, I believe.

24 Q. How long was he in that position?

25 A. He was in RENU. Then he came out for a

1 little bit. And then he went back to RENU, so I --
2 I don't know the dates. I'm sorry.

3 Q. Okay.

4 A. But he originally was down there for quite
5 a while.

6 Q. Did you receive any discipline at any
7 point in time after your meeting with the Sheriff
8 and Jay Gramke?

9 A. No.

10 Q. Did they even talk to you after that
11 meeting?

12 A. No.

13 Q. Did they badger you in any way after that
14 meeting?

15 A. No.

16 Q. Were you demoted after that meeting?

17 A. No.

18 Q. Was your salary ever reduced after that
19 meeting?

20 A. No.

21 Q. At any time after that meeting before you
22 left the department did you apply for any other
23 positions?

24 A. What was the question? I just want to
25 make sure I get it right.

1 Q. Well, there's other special assignments
2 besides RENU, correct?

3 A. Within the department?

4 Q. Yes.

5 A. No.

6 Q. Okay.

7 A. Okay. Sorry.

8 Q. I understand that you have an eligibility
9 list that was kind of still present or active,
10 correct -- so theoretically speaking, if a corporal
11 position came open, you would be --

12 A. Correct.

13 Q. -- in line for it, correct?

14 A. Correct.

15 Q. You don't know whether or not that
16 happened, correct?

17 A. I have no idea if there was an opening or
18 not.

19 Q. Okay. After October 10, 2023, that
20 meeting, did you ever actively seek some kind of
21 appointment to any kind of special unit after that?

22 A. No.

23 Q. So you would agree that you weren't denied
24 any kind of appointment to any kind of special unit
25 after that meeting?

1 A. Correct.

2 Q. Were you reassigned to work under a
3 younger supervisor after that meeting?

4 A. I don't -- are you -- as in timing within
5 the department?

6 Q. No. I mean, I know that people might --
7 there might be younger corporals. I'm saying after
8 you walked out on the meeting on October 10th of
9 2023 were you assigned to a different supervisor at
10 all?

11 A. I had the same sergeant. I don't recall
12 when the younger corporal came over to our squad,
13 though.

14 Q. Okay. You weren't reassigned anywhere --

15 A. I wasn't.

16 Q. -- a younger corporal was reassigned?

17 A. To our squad.

18 Q. Okay. But you were in the same squad
19 after that meeting?

20 A. Yes.

21 Q. Okay. Until you resigned, correct?

22 A. Yes.

23 Q. So you were not reassigned at all,
24 correct?

25 A. No.

1 Q. Were you in any way reassigned to
2 different job duties after that meeting?

3 A. No.

4 Q. Were you assigned to more menial tasks
5 after that meeting?

6 A. No.

7 Q. Did anybody threaten you in any way after
8 that meeting?

9 A. No.

10 Q. Did anybody in that meeting suggest that
11 you do quit?

12 A. No.

13 Q. Did either Sheriff McGuffey or Jay Gramke
14 at any time suggest to you to quit or retire early?

15 A. No.

16 Q. In your mind did you suffer any adverse
17 decision or action at all after you left the meeting
18 on October 10, 2023, until you resigned?

19 A. Any what?

20 Q. Adverse decisions.

21 A. What do you mean by adverse?

22 Q. Bad. You think they stink. Something
23 that you think bothered you or something harmful to
24 your career after October 9 -- or 10, 2023, until
25 you resigned.

1 A. Do I think they did anything?

2 Q. Yes.

3 A. No. I don't think they did anything at
4 that point.

5 Q. So no further action was taken that you
6 would consider to be adverse after the meeting on
7 October 10, 2023?

8 A. Unless there was a corporal position that
9 they held out on, which I did not know.

10 Q. Okay. So you're not aware of them taking
11 any steps or having any intent to fire you before
12 you left?

13 A. No.

14 Q. Okay. So a little bit about the
15 collective bargaining agreement. You would agree
16 that if Sheriff McGuffey or Jay Gramke had any
17 intent to terminate you, they would have had to take
18 some active step, correct?

19 A. Correct.

20 Q. And if they took no step after this
21 October 2023 meeting to terminate you, you would
22 also agree that they didn't retaliate against you
23 for your comments during that meeting before you
24 resigned, correct?

25 A. Correct.

1 Q. Okay. Because your belief it was their
2 intent to basically get you in some way to silence
3 your wife, correct?

4 A. Yes. The damage was already done at that
5 point.

6 Q. Okay. But essentially they had punished
7 you, is your allegation, because your wife made
8 comments on Facebook, correct?

9 A. Gramke stated that, yes.

10 Q. Okay. You said that he said something
11 about consequences?

12 A. Numerous times.

13 Q. Okay. At any time did you interpret that
14 consequence to be your termination as opposed to
15 just your inability to advance?

16 A. Just my ability to advance to RENU or
17 corporal.

18 Q. Okay. And you believe that that's what
19 his intent was?

20 A. He said that was the intent.

21 Q. Okay. At any time did you contact a union
22 rep about filing a grievance?

23 A. I contacted Steve Lazarus.

24 Q. Why did you not file a grievance?

25 MR. GOTTESMAN: I'm going to instruct

1 you do not disclose the nature of the
2 attorney-client conversations you had in
3 that regard, okay? That's privileged.

4 Q. All right. But you know that there is a
5 grievance procedure, correct?

6 A. Yes.

7 Q. And you did not file a grievance?

8 A. Correct.

9 Q. Okay. Why not?

10 MR. GOTTESMAN: Is it based on
11 conversations you had with Mr. Lazarus?

12 THE WITNESS: Yes, we talked --

13 MR. GOTTESMAN: Don't say it here.
14 But if you want to step out and tell me
15 and Chris about it and we can try and
16 decipher this for you how to answer these
17 questions.

18 MR. WIEST: In a way that doesn't
19 waive the privilege.

20 THE WITNESS: Okay.

21 MR. MILLER-NOVAK: Well, before we do
22 that -- let's not bother with it right now
23 because -- let me ask a handful of other
24 questions first. Because I'm assuming
25 that's the union attorney?

1 MR. GOTTESMAN: He is.

2 MR. MILLER-NOVAK: Okay.

3 MR. GOTTESMAN: For the moment.

4 MR. MILLER-NOVAK: Off the record.

5 (Off-the-record conversation.)

6 BY MR. MILLER-NOVAK:

7 Q. Did you talk to anybody else in the union
8 about filing a grievance?

9 A. No. I called him directly.

10 Q. Did you talk to anybody else about
11 potentially filing a grievance?

12 A. No.

13 Q. Did you talk to Jennifer about filing a
14 grievance?

15 A. No.

16 Q. Okay.

17 A. I'm sorry. I did tell Jennifer I was
18 calling Lazarus, though.

19 Q. Okay. Fair enough. When you're done
20 talking to him, did you talk to Jennifer about the
21 conversations you had with him?

22 A. I don't recall if I -- I don't recall.

23 MR. MILLER-NOVAK: Do you want to
24 take a break?

25 MR. GOTTESMAN: I need to run to the

1 restroom. So Chris can --

2 MR. WIEST: I'll step in. That's
3 fine.

4 MR. MILLER-NOVAK: Let's move to a
5 different subject sort of.

6 THE WITNESS: Okay.

7 MR. MILLER-NOVAK: I guess it's all
8 kind of related. All right. You know
9 what, I think we're done with Exhibit 1.

10 THE WITNESS: Okay.

11 MR. MILLER-NOVAK: I'm going to hand
12 you this. What number is this?

13 THE COURT REPORTER: Six.

14 (Defendants' Deposition Exhibit No. 6
15 was marked for identification.)

16 BY MR. MILLER-NOVAK:

17 Q. Have you seen this letter before?

18 A. Yes.

19 Q. And it looks like it's an email -- I guess
20 the word letter, we don't even -- it's almost gone
21 from our language nowadays, isn't it?

22 A. Yes, it is.

23 Q. This is an email from Jennifer Patterson.
24 You would agree that that's your wife, correct?

25 A. Yes.

1 Q. Okay. To Chief Gramke sent on October 16,
2 2023; do you see that?

3 A. Yes.

4 Q. Okay. And it was sent at 12:18 p.m.; do
5 you see that?

6 A. Yes.

7 Q. Okay. When did you first see this email?

8 A. I don't recall. I don't remember.

9 (Mr. Gottesman returns.)

10 Q. All right. I don't want to read the whole
11 thing. It's big.

12 A. Yeah.

13 Q. Did Jennifer discuss sending this email
14 with you before she sent it?

15 A. She did.

16 Q. Okay. Did you read this email before she
17 sent it?

18 A. No.

19 Q. Did she tell you what the nature of the
20 email would be before she sent it?

21 A. No.

22 Q. Okay. Would you agree that this email
23 kind of scolds Jay Gramke for what was discussed
24 during the meeting on October 10th?

25 A. Just how my wife felt.

1 Q. Okay. So what did she tell you about this
2 email before she sent it?

3 A. That she was going to email the Chief.

4 Q. Did she tell you about what?

5 A. She just said she was going to send an
6 email to the Chief and see if he'll reply.

7 Q. Okay. She didn't tell you what any of the
8 content would be about?

9 A. She's her own person.

10 Q. Okay. And you didn't ask what it was
11 going to be?

12 A. I assumed it was going to be about my
13 meeting.

14 Q. Okay. Did you assume it was going to be
15 critical?

16 A. I mean, as upset as she was, yes.

17 Q. Okay. Did you tell her not to do it?

18 A. I told her she's her own person, she can
19 do what she wants.

20 Q. Okay. Well, you weren't afraid that you
21 would be terminated if she sent this email, correct?

22 A. I didn't give that any thought.

23 Q. Okay. Well, earlier you testified that
24 you knew you wouldn't walk out of the meeting
25 because you were worried that you have to have

1 health insurance and all those things, correct?

2 A. Correct.

3 Q. Okay. So it didn't occur to you that
4 maybe that you should be afraid if she sent this
5 email, that you could lose your job and insurance?

6 A. No. That's two different scenarios now.

7 Q. Okay. So you thought if she sends this
8 email, I'll be fine?

9 A. I didn't -- like I said, I didn't give it
10 any thought.

11 Q. Okay. Well, I want to go to the second
12 paragraph. It says, You will never hear about the
13 real disconnect; do you see where it says that?

14 A. Yes.

15 Q. I'm going to go to the second sentence.
16 It says, With my husband's example, you have
17 solidified that officers will never tell you the
18 unpleasant truths for fear of retaliation; do you
19 see that?

20 A. Yes.

21 Q. You would rather not promote the best
22 candidate, as selected by the interview process from
23 RENU, because you got your feelings hurt because an
24 officer's wife criticized the sheriff's policies; do
25 you see that?

1 A. Yes.

2 Q. Okay. It continues, You have confirmed
3 the incompetency of your leadership in thinking that
4 putting the best officer in the position is less
5 important than your ego and public image, correct?

6 A. Correct.

7 Q. Okay. This set the tone to all other
8 officers that the administration is not concerned
9 with what is best for the department but only for
10 their public image; do you see that?

11 A. Yes.

12 Q. Okay. How did other officers find out
13 about what happened in the meeting?

14 A. Because I told them.

15 Q. Okay. Do you know whether or not Sheriff
16 McGuffey or Gramke told anybody what happened in
17 that meeting?

18 A. I have no idea.

19 Q. Okay. So you don't know that if they were
20 spreading words and discussing you or criticizing
21 you after that meeting?

22 A. Oh, I have no idea. All I know is from my
23 major on down knew that this -- that by me not
24 getting promoted to RENU, there was something wrong.

25 Q. Okay. Something wrong. Did any of them

1 tell you that they had discussed it with Gramke?

2 A. Matt Guy when Gramke told him it was
3 because of my wife's social media posts.

4 Q. Okay. If I were to tell you that Matt Guy
5 never actually talked to Jay Gramke about his
6 decision to override your appointment, would you
7 have any reason to disagree with that?

8 A. Absolutely. He told me he did.

9 Q. Okay. The only thing you're going on that
10 is based on what Matt Guy told you, correct?

11 A. Because he did not at first know why
12 Gramke would not allow me to come to RENU. So he
13 had to call Gramke to ask him why I was not coming
14 down.

15 Q. Do you have any reason to know whether or
16 not that's a true statement?

17 A. I don't -- I have no other reason to
18 believe it wouldn't be or wasn't.

19 Q. Okay. But if it wasn't true, it's
20 possible it's not true?

21 A. That doesn't make. . .

22 Q. Well, let me ask another way. Have you
23 heard any recording of this alleged conversation?

24 A. Not unless it's public record.

25 Q. Okay. What do you mean not unless it's

1 public record?

2 A. It was -- I cracked a joke to you. I'm
3 sorry.

4 Q. Oh.

5 A. I was trying to -- sorry.

6 Q. Because whether or not --

7 MR. GOTTESMAN: It fell flat.

8 Q. -- it was a recording --

9 THE WITNESS: It fell flat. I'm
10 sorry. I tried to lighten it up. It's
11 warm in here.

12 Q. The next paragraph says, Hypocrisy was
13 also at its finest during my husband's meeting. How
14 could the sheriff lecture about my husband about
15 distancing himself from certain people while at the
16 very same time one of her biggest supports was being
17 sentenced to 16 months in federal prison; do you see
18 that?

19 A. Uh-huh.

20 MR. GOTTESMAN: That's a yes?

21 A. Yes. I'm sorry.

22 Q. How could the sheriff lecture my husband
23 about distancing himself from certain people. She
24 does not say herself there, does she?

25 MR. GOTTESMAN: Objection. The

1 document speaks for itself.

2 A. Correct.

3 Q. Okay. Who is she referring to about being
4 sentenced to 16 months in federal prison?

5 A. I have no idea.

6 Q. Okay. At any point in this time does your
7 wife state anything about divorce?

8 A. Can I read it real quick? No.

9 Q. Okay. All right. She refers to the
10 Sheriff and she says that the Sheriff lectured you
11 about distancing yourself from certain people,
12 correct -- that's what it says, right?

13 A. Correct.

14 Q. People is a plural word, correct?

15 A. Correct.

16 Q. It's not a singular noun, correct?

17 A. Correct.

18 Q. She doesn't say that you lectured my
19 husband about distancing himself from me, correct?

20 A. Correct.

21 Q. Okay. And then the next paragraph it
22 says, If I were going to lecture my husband on who
23 he should distance himself from in his profession,
24 which I never would because he is a grown man with
25 his own thoughts, beliefs, and ideas, I would start

1 by telling him to distance himself from law
2 enforcement officials who have proven to be
3 dishonest, incompetent, and create a hostile work
4 environment; do you see that?

5 A. Yes.

6 Q. Okay. So, again, she states if I were
7 going to lecture my husband on who he should
8 distance himself from in his profession; do you see
9 that?

10 A. Yes.

11 Q. She doesn't mention anything about your
12 romantic life or your marriage, correct?

13 A. Correct.

14 Q. Okay. So not at any point in this does
15 she inquire whether or not their intent was to
16 threaten your marriage, correct?

17 A. I don't know how she interpreted it.

18 MR. MILLER-NOVAK: Okay. All right.
19 You can give that back to her.

20 Q. In this action you're suing the Defendants
21 for in part a failure to promote you, correct?

22 A. Yes.

23 Q. And a constructive discharge, correct?

24 MR. GOTTESMAN: If you understand the
25 question.

1 A. Without having it in front of me, I don't
2 know exactly, so I'll. . .

3 MR. MILLER-NOVAK: Well, we can pull
4 it back out, I guess. Can you hand him
5 Exhibit 1?

6 THE COURT REPORTER: Yes.

7 MR. GOTTESMAN: Just wait for a
8 question.

9 THE WITNESS: Okay.

10 Q. Do you see anywhere in that complaint that
11 you're alleging that you were constructively
12 discharged?

13 A. I don't -- no. Am I missing it?

14 Q. Well -- I don't mean to laugh at you.

15 MR. GOTTESMAN: Paragraph 45.

16 MR. MILLER-NOVAK: There you go.

17 THE WITNESS: Thank you.

18 MR. MILLER-NOVAK: Thank you.

19 THE WITNESS: I thought it started
20 with No. 2. That's why.

21 MR. MILLER-NOVAK: There we go.

22 THE WITNESS: Sorry.

23 Q. So on page nine --

24 A. There we go.

25 Q. -- paragraph 45, on January 9, 2024, and

1 due to the aforementioned constructive discharge
2 and -- and it also says in paragraph 43, that you
3 resigned. So it's your allegation that you were
4 constructively discharged, correct?

5 A. Correct.

6 Q. And that part of your damages that you're
7 seeking in this action are as if you've been fired
8 from that position, correct?

9 A. Correct.

10 Q. Okay. So part of the damages that you're
11 alleging is you would agree that you were -- your
12 position to RENU was overridden in October of -- I'm
13 sorry, March of 2023, correct?

14 A. Yes.

15 Q. But you left and there's -- I think you
16 testified earlier that there's some bump in pay for
17 that, correct?

18 A. For RENU?

19 Q. RENU, correct.

20 A. The corporal's pay.

21 Q. Okay. So it's approximately \$7,000; is
22 that correct?

23 A. Whatever -- I don't know what the
24 contract -- seven percent.

25 Q. Seven percent. Okay. Seven percent. I

1 will not force you to do math.

2 A. Thank you.

3 Q. Seven percent bump in pay?

4 A. Yes.

5 Q. That would have only occurred from October
6 -- I'm sorry -- March of 2023 until your resignation
7 in January of 2024, correct?

8 A. Well, right, because -- well, if I would
9 have gotten it, I wouldn't have resigned, correct.

10 Q. Okay. But you did resign, correct?

11 A. Yes.

12 Q. You'd agree that you were not fired,
13 correct?

14 A. I was not fired.

15 Q. Okay. So you now have a different
16 position with Springfield Police Department?

17 MR. GOTTESMAN: Springdale.

18 MR. MILLER-NOVAK: Springdale. Thank
19 you for correcting that. It is a
20 different place.

21 THE WITNESS: We get it a lot.

22 Q. Springdale --

23 A. Yes.

24 Q. -- correct? So you never went through any
25 period of time unemployed --

1 A. Correct.

2 Q. -- correct? You would agree that your
3 constructive discharge theory is different than a
4 failure to promote theory, correct?

5 MR. GOTTESMAN: Objection.

6 A. I really don't know what the difference
7 is.

8 Q. Okay. Would you agree that being
9 terminated is being different than having a
10 promotion denied?

11 MR. GOTTESMAN: Objection.

12 A. Yes.

13 Q. Okay. Well, part of the things you're
14 suing the County for has to do with you not getting
15 this RENU position; would you agree with that?

16 A. Correct.

17 Q. Okay. Couldn't you have stayed at the
18 Sheriff's Department and sued them for failing to
19 promote you to RENU?

20 A. Yes.

21 Q. You agree that you wouldn't have to quit
22 to sue them for that, correct?

23 A. Yes.

24 Q. So you had another option besides leaving
25 the department; you could have stayed there and

1 filed suit against them for denying your promotion,
2 correct?

3 A. Correct. But there's no reason -- there's
4 no way you could possibly stay there. You're suing
5 your boss. No. It's -- no. It just wasn't
6 feasible.

7 Q. So your testimony is that no deputy in
8 Hamilton County has ever sued Hamilton County and
9 stayed there?

10 A. I didn't say that. I'm saying if I was
11 suing the Sheriff and Chief Deputy, there is no way
12 that I could continue working under them two with
13 that lawsuit. You would be retaliated against 100
14 percent.

15 Q. Okay. You don't know that, you're
16 assuming that?

17 A. My wife even says that in there about the
18 whole rule under threat and everything else. That's
19 how it's always been ran.

20 Q. Okay.

21 A. Otherwise, I would -- like you said, I
22 wouldn't have a reason to leave.

23 Q. Well, Sheriff McGuffey filed suit against
24 the Sheriff's Department, correct?

25 A. Yes.

1 Q. Now she is the sheriff, correct?

2 A. But she wasn't working there.

3 Q. Yeah, but she did and she's now the
4 sheriff, correct?

5 A. Right. But she left -- or she wasn't
6 working for them.

7 Q. Okay. So if you file a suit and you're
8 retaliated against, wouldn't that just be another
9 lawsuit?

10 A. If you could prove it, yes.

11 Q. Okay. But don't you have to prove any
12 lawsuit you file?

13 A. Yes. But there's also ways they retaliate
14 against you where you can't prove it.

15 Q. Okay. So your testimony is out of fear of
16 further retaliation you did not file suit?

17 A. No. I left for fear of retaliation if I
18 was going to file a suit.

19 Q. Okay. But you do agree that it is an
20 option to stay at the Sheriff's Department and file
21 suit?

22 A. If you don't want to move and advance, why
23 would you want to stay? I did not want to stay in a
24 department that was not going to have me advance.

25 Q. Okay. I'm not saying what you want or

1 what your beliefs are, okay?

2 A. Okay.

3 Q. Or what you think would happen or even
4 what you feared would happen.

5 A. Okay.

6 Q. My question is simple. Is it an option
7 that you understand that was available to you,
8 something that you could mechanically do -- for lack
9 of better wording -- is stay in your position and
10 sue the Sheriff's Department for what occurred
11 regarding RENU?

12 MR. GOTTESMAN: Objection. Asked and
13 answered. He's already said he could.

14 A. Yeah.

15 Q. You agree that's an option?

16 MR. GOTTESMAN: Answer it one more
17 time.

18 A. Yes.

19 Q. Okay. And you chose to not do that,
20 correct?

21 MR. GOTTESMAN: You can answer that
22 one more time, too.

23 A. Correct.

24 Q. Okay. Filing a grievance is an option,
25 correct?

1 MR. GOTTESMAN: He's already answered
2 that.

3 MR. MILLER-NOVAK: No. I did not ask
4 that --

5 MR. GOTTESMAN: You did and I'm
6 instructing him not to answer it.

7 MR. WIEST: Wait a minute. Let him
8 answer yes or no.

9 MR. GOTTESMAN: Okay.

10 MR. MILLER-NOVAK: You're overdoing
11 this, the instructions.

12 MR. GOTTESMAN: Go ahead and ask
13 again about filing a grievance.

14 THE COURT REPORTER: "Filing a
15 grievance is an option, correct?"

16 A. Option for?

17 Q. It was an option you had available?

18 A. I discussed that with my attorney, so. . .

19 Q. Okay. When you were a union president,
20 had anybody filed grievances?

21 A. Yeah. Yeah. Yes. Yes.

22 Q. Okay. So you understand that that is an
23 option available to deputies who feel that they're
24 aggrieved?

25 MR. GOTTESMAN: Don't go into

1 attorney-client privilege.

2 MR. MILLER-NOVAK: I'm not asking
3 about that. I'm just asking about --

4 MR. GOTTESMAN: That question begs
5 his conversation with Mr. Lazarus.

6 Q. Prior to discussing anything with that
7 attorney, from your time as a union president are
8 you aware that an option available to deputies who
9 feel that they're been aggrieved is to initiate a
10 grievance procedure?

11 A. Yes.

12 MR. WIEST: Just for the record, that
13 is not an option. And I know -- I want
14 him to answer, because I didn't want to
15 draw your objection or whatever it is. It
16 is not an option for a deputy. It is the
17 union that files the grievance under the
18 contract, just for the record.

19 MR. GOTTESMAN: And you cannot grieve
20 something that is management rights to who
21 gets a position and who gets promoted or a
22 preferred assignment. That is not subject
23 to a grievance.

24 MR. MILLER-NOVAK: All right, guys,
25 with the legal arguments.

1 MR. WIEST: That's the problem with
2 the question. It calls for it.

3 MR. MILLER-NOVAK: Well, but it
4 doesn't. And you can go off the record if
5 you even want to discuss that. You're
6 putting legal arguments on the record.
7 You know it's inappropriate. You know
8 what the rules are. And I beg you to cite
9 me one that says that you're allowed to do
10 that. Okay.

11 MR. GOTTESMAN: I don't have to
12 explain myself. I've given my
13 instructions.

14 MR. MILLER-NOVAK: Well, you've given
15 a lot of instructions today. And plenty
16 of them don't actually jibe with the
17 rules. So we're going to move forward.

18 BY MR. MILLER-NOVAK:

19 Q. So you are aware that it's an option to
20 approach the union about a grievance?

21 A. Yes.

22 Q. Okay. And you never requested that the
23 union file a grievance on your behalf?

24 MR. GOTTESMAN: Don't go into
25 attorney-client communications.

1 A. I just spoke with Steve Lazarus.

2 Q. Okay. Well, I'm not asking you about
3 whether you spoke to him. I'm asking you to confirm
4 that you never requested or otherwise filed any
5 paperwork requesting a grievance?

6 MR. GOTTESMAN: So we need to go
7 outside and talk.

8 MR. WIEST: For the record, the
9 problem with that question is if he asked
10 Lazarus to file it, it's going to call for
11 privilege.

12 MR. GOTTESMAN: And he would file a
13 grievance for the union. And that's
14 exactly where this is going.

15 So do you need to follow up on this
16 question?

17 MR. MILLER-NOVAK: You're taking a
18 break. You know what, if it's a privilege
19 concern, absolutely, talk to him.

20 THE COURT REPORTER: All right.
21 We're off the record.

22 (A brief recess was taken.)

23 MR. GOTTESMAN: I will put on the
24 record for you that my client without
25 waiving and preserving in all regards his

1 attorney-client privilege with all counsel
2 he consulted on this matter that he
3 discussed his options with Mr. Lazarus.
4 And the rule is this, there was -- it was
5 specific nature of what had happened with
6 regarding to being deprived of the
7 corporal promotion and being appointed to
8 RENU and then having that appointment
9 retracted was not something for which a
10 grievance could be filed. And that was
11 the instruction.

12 MR. MILLER-NOVAK: Well, then we're
13 going to need to strike it from the
14 record, because you can't have it both
15 ways.

16 MR. GOTTESMAN: Well, then, look,
17 he's not answering.

18 MR. MILLER-NOVAK: Okay.

19 MR. GOTTESMAN: I've given you --

20 MR. MILLER-NOVAK: Then he's not
21 answering.

22 MR. GOTTESMAN: I'm making a
23 representation so you know what's there.

24 MR. MILLER-NOVAK: That's fine.

25 MR. GOTTESMAN: And if you want to

1 pursue it and argue that it's not a
2 privileged conversation, but that's the
3 only information he has was gained through
4 attorney-client communication.

5 MR. MILLER-NOVAK: Right. But if
6 you're telling me what the advice was, the
7 problem with that you cannot just waive
8 the privilege slightly for this thing --

9 MR. GOTTESMAN: I'm not.

10 MR. MILLER-NOVAK: -- because as soon
11 as you do that, you open the door to
12 everything else.

13 MR. GOTTESMAN: I'm not waiving --

14 MR. MILLER-NOVAK: It's all or none.

15 MR. GOTTESMAN: -- in fact, I
16 expressly preserved it. And I'm telling
17 you that if you want to go down that
18 path -- and it's a dry well for you, it's
19 not going to get you anywhere -- and I've
20 explained what would happen where that
21 discovery compelled, so --

22 MR. MILLER-NOVAK: All right. Well,
23 at any rate, I'm going to move on.

24 You can give the complaint back to
25 her for now.

1 BY MR. MILLER-NOVAK:

2 Q. So you're alleging certain damages in this
3 case, correct?

4 A. Correct.

5 Q. How do you believe -- what do you believe
6 are your damages in this case?

7 A. As in like. . .

8 Q. You're asking for money in this case when
9 you filed suit, correct?

10 A. Correct.

11 Q. Okay. Why do you believe you're entitled
12 to money?

13 A. The promotion that was taken, the
14 seven percent, leaving and having to restart a new
15 job with the retirement. Just the stress,
16 everything that was put on me and my wife, this
17 whole situation. It was a lot.

18 Q. Are you seeking any mental health
19 treatment right now?

20 A. No.

21 Q. Have you in the past?

22 A. No.

23 Q. Were you diagnosed with any mental health
24 condition by a professional?

25 A. No.

1 Q. Were you diagnosed about any mental health
2 condition that was held to be a causation of your
3 time at Hamilton County?

4 A. No.

5 Q. Have you ever taken anything for
6 depression, anxiety, or other mental health
7 illnesses?

8 A. No.

9 Q. Have you at any time been diagnosed with a
10 mental health condition?

11 A. No.

12 Q. Your complaint, I believe, alleges that
13 you have suffered loss of reputation?

14 A. Yes.

15 Q. Okay. How do you believe you suffered a
16 loss of reputation?

17 A. By leaving the Sheriff's Department.

18 Q. Okay. But you chose to do that, correct?

19 A. Correct.

20 Q. You weren't fired, correct?

21 A. Correct.

22 Q. Do you agree that you don't have to put on
23 any resume that you were ever terminated from the
24 Sheriff's Department, correct?

25 A. Correct.

1 Q. As a matter of fact you would agree it
2 hasn't really harmed your profession at all,
3 correct?

4 A. Not necessarily.

5 Q. Well, you were recruited by Mr. Butler,
6 correct?

7 A. Because Butler came from the Sheriff's
8 Office.

9 Q. So he came from the Sheriff's Office?

10 A. Uh-huh.

11 Q. So he recruited you?

12 A. Correct.

13 Q. So you would agree that what happened to
14 you didn't affect his impressions of you, correct?

15 MR. GOTTESMAN: Objection.

16 A. Not his, but other departments.

17 Q. What other departments?

18 A. Other departments that knew that I was in
19 line to go to RENU, asking why I didn't go.

20 Q. Have you ever applied to any other
21 department?

22 A. No.

23 Q. Did you get denied any employment?

24 A. No.

25 Q. So you've never actually been denied any

1 employment?

2 A. Correct.

3 Q. Okay. Can you site any consequence that
4 you suffered because you were denied the appointment
5 to RENU?

6 A. Just other departments wanting to know why
7 I was not assigned down to RENU.

8 Q. Did you tell them?

9 A. They were asking other officers why I
10 didn't get to go down.

11 Q. But you're the one that told other
12 officers, correct?

13 A. Yeah. I've told several other officers,
14 yes.

15 Q. Okay. Well, you chose to put that
16 information into the rumor mill then, correct?

17 A. I don't know how it all started, but -- I
18 mean, other officers talk, yeah.

19 Q. Okay. But you knew that when you told
20 them, correct?

21 A. Same with the officers down in RENU when
22 they didn't know I wasn't coming down.

23 Q. Okay. But you chose to tell people that
24 you were denied RENU, correct?

25 A. And so did other officers, correct.

1 Q. And you also chose to tell people about
2 what happened in the meeting with Sheriff McGuffey,
3 correct?

4 A. Yes.

5 Q. You don't know whether or not they told
6 anybody, do you?

7 A. No idea.

8 Q. Okay. So you made the conscious decision
9 to tell people about what happened in that meeting,
10 correct?

11 A. Correct.

12 Q. Okay. So if you were worried that it was
13 going to hurt your reputation, then why did you tell
14 people?

15 A. Because they were wanting to know why I
16 didn't get to go down. They thought it was because
17 of disciplinary reasons.

18 Q. Okay. You could just tell them no, I
19 wasn't disciplined, correct?

20 A. And that's the point of me telling them.

21 Q. Okay. Do you know whether or not Sheriff
22 McGuffey ever told anybody that she disciplined you?

23 A. I have no idea.

24 Q. Do you know whether or not Jay Gramke ever
25 told anybody he disciplined you?

1 A. I have no idea.

2 Q. Was anything put into your personnel file
3 that you were ever disciplined?

4 A. No idea. No.

5 Q. To the best of your knowledge if I was to
6 do a public records request asking for your
7 personnel file, including discipline, would anything
8 be in there?

9 A. No. That's you. I'm talking about other
10 departments. So, for example, another lieutenant
11 asking why I wasn't assigned to RENU when they know
12 I was going down. That's why I explained to other
13 officers, no, it was because of my wife's social
14 media posts.

15 Q. Okay. Well, now you know that you told
16 them what you believe to be the truth, correct?

17 A. Correct.

18 Q. Okay.

19 A. Because I was told by Gramke for that
20 reason.

21 Q. Okay. So don't you feel that you resolved
22 that issue?

23 A. No. Because I don't know who else knows
24 all that.

25 Q. Okay. So you have no knowledge that

1 anybody else besides the people you've talked to
2 know any of these things?

3 A. That was the only way I could find out
4 that it was out there, yes.

5 Q. Okay. Has anything been reported on or
6 published in the media?

7 A. I have no idea.

8 Q. Okay. You said that you had to leave is
9 what your testimony has been today.

10 A. Yes.

11 Q. How has that financially damaged you?

12 A. Having to leave?

13 Q. Yes.

14 A. Having to -- going to another department
15 that paid less. Not all my years of service
16 transferred over.

17 Q. What's your hourly rate currently at
18 Springdale?

19 A. I don't know offhand.

20 Q. Is it over \$40 an hour?

21 A. Yes.

22 Q. Wasn't your hourly rate when you were at
23 the County under \$40 an hour?

24 A. You're talking about right now. When --
25 right now at Springdale, it's more. But when I went

1 to Springdale, it was less.

2 Q. But right now it's more?

3 A. Right now.

4 Q. So currently you're being paid more hourly
5 at Springdale then you would be if you were at the
6 County?

7 A. Well, I've been there over a year with a
8 contractual raise.

9 Q. Okay. Well, how does this year compare to
10 where you would be at Hamilton County?

11 A. I have no idea. I don't have the
12 contract. And we hired somebody to take care of all
13 that. So I don't -- I'm not going to sit here and
14 try to figure out the math.

15 (Defendants' Deposition Exhibit No. 7
16 was marked for identification.)

17 MR. MILLER-NOVAK: Okay. I'm going
18 to hand you a collective bargaining
19 agreement. And there's two -- can you do
20 7 and 7-A or something? There's actually
21 two separate things, because there's like
22 an addendum.

23 THE COURT REPORTER: You're going to
24 have to show me that.

25 MR. MILLER-NOVAK: Well, it's

1 separated by a staple.

2 THE COURT REPORTER: Okay.

3 (Defendants' Deposition Exhibit No.
4 7-A was marked for identification.)

5 MR. WIEST: Did you say there were
6 two exhibits here?

7 MR. MILLER-NOVAK: Yes. So it's --

8 MR. WIEST: Oh, I see.

9 MR. MILLER-NOVAK: Yeah. You'll see
10 there's like an addendum.

11 MR. WIEST: Okay.

12 BY MR. MILLER-NOVAK:

13 Q. So if you go to page 25 in the collective
14 bargaining agreement, which is seven, the big one,
15 do you see where it says Wages and Compensation on
16 the bottom; do you see that?

17 A. You said 27, right?

18 Q. I said 25.

19 A. 25. I'm sorry.

20 Q. No, it's okay.

21 A. Yes.

22 Q. Do you see where it starts with the Wages
23 and Compensation table?

24 A. Yes.

25 Q. Okay. So effective the first full pay

1 period which includes, it says, January 21, 2021,
2 for all bargaining unit employees shall be as
3 follows; do you see that?

4 A. Yes.

5 Q. If you go to the second page, do you see
6 patrol officer, and that's what you were, correct?

7 A. Correct.

8 Q. So it says, Entry, one year, two year,
9 three year; do you see that?

10 A. Yes.

11 Q. You were at the four-year mark, correct?

12 A. Yes.

13 Q. All right. And it says here that the
14 salary -- the hourly -- I'm sorry -- is \$35.1261. I
15 don't even know how they do that, right? Obviously
16 they don't pay you in cash. That would be some
17 weird things. That's cutting pennies in half.

18 So you understand that it's a little over
19 \$35.00 an hour according to this, correct?

20 A. Correct.

21 Q. Okay. And then if you go to 7-A, which is
22 Appendix to Agreement, Article 20, Wages and
23 Compensation; do you see that?

24 A. Yes.

25 Q. It says, Effective the first full pay

1 period which includes January 1, 2023, the hourly
2 pay for all bargaining unit employees shall be as
3 follows. Okay. And if you go to patrol officer at
4 four years, and it says \$38.36; do you see that?

5 A. Yes.

6 Q. So would you agree that as of January --
7 the first full paycheck in January, you were
8 receiving \$38.36 an hour, correct?

9 A. Correct.

10 MR. MILLER-NOVAK: Okay. You can
11 give that back to her.

12 I'm now going to hand you what is the
13 Agreement between the City of Springdale,
14 Ohio, and the Ohio Patrolmen's Benevolent
15 Association, 2023 to 2025, Patrol Officers
16 Union Agreement, it appears. It's Exhibit
17 8.

18 (Defendants' Deposition Exhibit No. 8
19 was marked for identification.)

20 Q. So if you will go to page -- well, have
21 you seen this union agreement at Springdale?

22 A. Yes.

23 Q. You would agree that you are now at
24 Springdale, correct?

25 A. Correct.

1 Q. And that this is the 2023 to 2025 union
2 agreement at Springdale, correct?

3 A. Correct.

4 Q. So this is currently the union agreement
5 for your collective bargaining unit at Springdale,
6 correct?

7 A. Correct.

8 Q. So if you go to page 22, this is their
9 Wages and Compensation. My understanding is I
10 believe I saw your application or hiring something
11 that you went in at Step 3, correct?

12 A. Correct.

13 Q. So in 2023 Step 3 was making \$39.37 an
14 hour, correct?

15 A. Correct.

16 Q. Which you would agree is a little bit more
17 than a dollar more an hour than \$38.1267 or whatever
18 that was, correct?

19 A. Correct.

20 Q. Okay. And currently in the year 2024, you
21 were making \$40.35 -- not currently. Actually we're
22 in 2025. We figured that out already.

23 So in 2024 you were making \$40.35 an hour,
24 correct?

25 A. Correct.

1 Q. Okay. And 2025, which is now, you're
2 making \$41.36 an hour, correct?

3 A. Correct.

4 Q. Okay. So your hourly rate at Springdale
5 is actually higher in this collective bargaining
6 agreement than your hourly rate was at Hamilton
7 County, correct?

8 MR. GOTTESMAN: Objection.

9 A. My -- the longevity is not on there, which
10 I thought brought the County up. And I think the
11 difference was insurance. Again, I don't recall.

12 Q. Okay. What insurance are you --

13 A. I know there was a difference.

14 Q. What insurance are you referring to?

15 A. Our medical.

16 Q. Your medical. Do you know what you're
17 paying for medical insurance?

18 A. I don't have any of that with me. Right
19 off the top of my head, no. Like I said, we have
20 somebody that's going to crunch the numbers, so. . .

21 Q. Okay. And who is that somebody?

22 MR. GOTTESMAN: Right now we have a
23 consulting expert, Sara Martin. She
24 hasn't been identified as an expert yet.
25 But she is a certified financial planner

1 and is helping us put together a
2 complete -- a comprehensive analysis of
3 the financial loss. We'll provide that as
4 soon as that information is available.

5 Q. So as part of the financial loss that
6 you're alleging --

7 A. I'm sorry. Go ahead.

8 Q. It's okay. It's all right.

9 A. I just know this -- the discrepancy is
10 somewhere, but I can't figure it out right there.

11 MR. MILLER-NOVAK: It's okay. You
12 can give it back to her.

13 THE WITNESS: Okay.

14 Q. Does part of the financial loss that
15 you're alleging have to do with your retirement?

16 A. Yes.

17 Q. Okay. What financial loss do you believe
18 you suffered in terms of your retirement?

19 A. I lost years of -- from switching over
20 into the retirements -- the two retirements.

21 Q. How many years did you have in Hamilton
22 County?

23 A. I could tell you -- all that I was getting
24 together for that -- I can't remember her name
25 now --

1 MR. GOTTESMAN: The expert?

2 A. The expert.

3 Q. If you don't know, you don't know.

4 A. I don't know off the top of my head.

5 Q. Okay. Well, you would agree that you
6 started working there -- was it in 2003?

7 A. Two.

8 Q. 2002. And then that you left in 2024,
9 correct?

10 A. Correct.

11 Q. So that would be approximately 21 years?

12 A. Correct.

13 Q. Okay. Do you know when your retirement
14 with OPERS would have vested?

15 A. It starts at ten.

16 Q. Okay. But there's an age requirement,
17 too, correct?

18 A. In OPERS, yes -- well, in all of them, but
19 yeah. Yes.

20 Q. And how old are you?

21 A. I am 49.

22 Q. So you don't know what the vesting age is
23 at OPERS?

24 MR. GOTTESMAN: Don't guess.

25 A. No.

1 Q. Okay. That's fine. I don't want you to
2 guess. It's probably published somewhere. But you
3 understand that people at OPERS -- they can actually
4 retire and then they're allowed to become part of
5 another retirement system --

6 A. PRE.

7 Q. -- correct?

8 A. Yes. Yes, sir.

9 Q. You can double dip, correct?

10 A. Yes.

11 Q. So you could technically retire from the
12 Sheriff's Department and then kind of work for the
13 Sheriff's Department and you continue to get --
14 double dip on OPERS, correct?

15 A. Correct.

16 Q. Okay. So that was an option available to
17 you, correct?

18 A. Correct.

19 Q. But you chose not to take that option,
20 correct -- you chose to quit, correct?

21 A. Correct.

22 Q. All right. So you didn't stay and file
23 suit and you could have stayed until you got your
24 OPERS vested and you could have quit and not needed
25 to buy back any OPERS, correct?

1 A. Correct.

2 Q. Because if it got to the vesting point,
3 you could have retired and not have to buy anything,
4 correct?

5 A. Correct.

6 Q. At that point you could have gone to a
7 different jurisdiction and you could have started a
8 new retirement account while collecting retirement
9 from OPERS, correct?

10 A. Yes.

11 Q. Okay. So you made the decision to not do
12 that?

13 A. Correct.

14 MR. MILLER-NOVAK: Could we have a
15 break and some private time?

16 MR. GOTTESMAN: Sure.

17 THE COURT REPORTER: We're off the
18 record.

19 (A brief recess was taken.)

20 (Defendants' Deposition Exhibit No. 9
21 was marked for identification.)

22 BY MR. MILLER-NOVAK:

23 Q. I've handed you what is marked as Exhibit
24 9. I've handed you what appears to be your W-2 for
25 your time at Springdale for 2024. Have you seen

1 this before?

2 A. Yes.

3 Q. Okay. So at the top left-hand corner you
4 can see there's boxes. And they've done well. And
5 they have redacted your social security number, so
6 that's good. It describes your Medicare wages; do
7 you see that -- where it says Medicare wages and
8 tips?

9 A. Yes.

10 Q. And there's \$76,414.22 --

11 A. Yes.

12 Q. -- do you see that?

13 A. Yes, sir.

14 Q. Do you have any reason to believe that
15 that's inaccurate?

16 A. No.

17 Q. Okay. If you go down to the -- like I'm
18 in that top left-hand box.

19 A. Uh-huh.

20 Q. Okay. Do you see there's four boxes? If
21 you go down --

22 MR. GOTTESMAN: They're all the same,
23 aren't they, Counselor?

24 MR. MILLER-NOVAK: I think so. I
25 don't know. Admittedly I pay someone to

1 do my taxes, so I'm no pro.

2 Q. You pointed at me. Do you pay someone to
3 do your taxes, too?

4 A. I'm not a plumber or electrician. So,
5 yes, taxes -- there's a reason there's a
6 professional.

7 Q. Okay. Agreed. We will stumble through
8 this together then. So if you go to the bottom
9 left-hand corner at the top left-hand box, it says,
10 Local wages, tips, et cetera; do you see that?

11 A. Yes.

12 Q. Where it says \$76,414.22; do you see that?

13 A. Yes.

14 Q. Local income tax is \$1,528.28; do you see
15 that? It's like right to the right of that. So
16 it's -- I'll point it out.

17 A. Oh, yeah. Yeah.

18 Q. Okay. And the locality that you're paying
19 that local income tax to is Springdale, correct?

20 A. Correct.

21 Q. Okay. Do you know what their local income
22 tax rate is?

23 A. No.

24 Q. Okay. So you don't know if it's lower or
25 higher than Cincinnati's?

1 A. I do not know.

2 Q. When you were at Anderson, did you pay
3 income tax -- local income tax to Cincinnati still,
4 or was your local income tax -- did you not pay
5 local tax because you were in Anderson Township?

6 A. I don't recall.

7 Q. Okay. We'll just move on. If you don't
8 know, you don't know. If you would have your -- so
9 you said you pay someone to do your taxes, correct?

10 A. Correct.

11 Q. Okay. So does your tax preparer or do you
12 otherwise have like a copy of your income tax filing
13 for the year 2023?

14 A. Yes.

15 Q. Okay. If you don't have it in your
16 possession, you could get it from your tax preparer,
17 correct?

18 A. Correct.

19 Q. Okay. The same thing with your taxes for
20 2022; did you use the same tax preparer?

21 A. Yes.

22 MR. MILLER-NOVAK: Okay. All right.
23 Well, we'll do a request. We'd like to
24 get his tax filings for the years 2022 and
25 2023, please.

1 MR. WIEST: I'd ask that you just
2 follow up by email just so we've got
3 something in writing on that.

4 MR. MILLER-NOVAK: Yeah. I mean, I
5 can just do a discovery request.

6 Q. Do you know if you agree that your wife
7 was already unemployed when -- in 2023, correct?

8 A. Correct.

9 Q. Okay. So you're not claiming that she
10 suffered any financial damage as a result of your
11 being terminated, correct?

12 A. Correct.

13 Q. Okay. Well, what you allege is a
14 termination, a constructive discharge. And you're
15 not alleging that she has suffered any financial
16 damage regarding your RENU placement, correct?

17 A. I guess it depends on how you look it. I
18 mean, we're married, so she would be suffering the
19 same as me.

20 Q. Do you file your taxes joint -- because
21 she doesn't have any income to report, correct?

22 A. Yeah. She has a little bit of income here
23 and there.

24 Q. Well, what's her income?

25 A. I don't recall.

1 Q. Okay. I'll ask her Friday.

2 A. Yeah, I just submit everything to the
3 accountant.

4 Q. Okay. Is your wife seeing any mental
5 health professionals?

6 A. No.

7 Q. Are you aware whether or not she's seen
8 any mental health professionals in the past?

9 A. No.

10 Q. Are you aware if she has any diagnoses
11 about mental health?

12 A. No.

13 Q. Are you aware whether or not she takes any
14 medication for any mental health conditions,
15 something like Prozac or Zoloft or something of the
16 sort?

17 A. No.

18 Q. You're not aware or she doesn't?

19 A. She doesn't.

20 Q. Okay. So in your entire time as a deputy
21 have you experienced anything that you would
22 consider to be traumatic?

23 A. Yes.

24 Q. Okay. On more than one occasion do you
25 believe that you suffered anything that you would

1 consider to be traumatic to your mental health?

2 A. Could be, yes.

3 Q. Okay. Did you ever seek any treatment,
4 counseling, or anything concerning those events?

5 A. No.

6 Q. Okay. Now, I'm not going to ask you to
7 describe anything today, so don't worry about it,
8 but you've never in your entire career sought any
9 mental health treatment while you've been a deputy?

10 A. Mental health, no.

11 Q. Just physical treatment, since you've been
12 a deputy -- have you ever -- I mean, have you had
13 any military service?

14 A. No.

15 MR. MILLER-NOVAK: Okay. You can
16 give that set of W-2s back to her.

17 Q. So you've never had any mental health
18 counseling at all in your entire life?

19 A. No.

20 (Defendants' Deposition Exhibit No.
21 10 was marked for identification.)

22 Q. Okay. I'm going to hand you Exhibit 10.
23 I was provided this record from Springdale Police
24 Department in response to a subpoena and I sent a
25 copy to your counsel. And this is a payroll report

1 I received from Springdale between January 1, 2024,
2 to April 22, 2025; do you see that?

3 A. Yes.

4 Q. Do you have any reason to believe that any
5 of these numbers are incorrect?

6 A. I would have -- I wouldn't have a clue. I
7 have no idea.

8 Q. Okay. Do you know whether or not that
9 this payroll report is something that's done in the
10 normal course of business or only in response to a
11 records request?

12 A. I have never seen this before.

13 MR. MILLER-NOVAK: Okay. That's
14 fair. You can hand that to her.

15 Q. So you referred to a Matt Guy earlier,
16 correct?

17 A. Yes.

18 Q. Was that Matt Guy?

19 A. Yes, sir.

20 Q. Okay. And he's the one that you claim
21 told you that Jay Gramke overrode your appointment
22 to RENU, correct?

23 A. Yes.

24 Q. Okay. Had you ever shown up at the job,
25 like did you ever start your position at RENU?

1 A. No.

2 Q. Okay. So earlier you said you had an
3 assignment. Did you ever actually do or perform any
4 tasks for RENU?

5 A. No.

6 Q. Okay. So you never showed up to work on a
7 Tuesday and would have introduced yourself as a
8 member of the RENU unit?

9 A. No.

10 Q. Okay. Had you announced to your friends
11 or family that you were promoted or given a position
12 at RENU before Jay Gramke overrode it?

13 A. When I was told I was coming down in
14 March -- they always tell you not to say anything,
15 one, to see if you can keep it quiet and, two, they
16 don't know the exact date they're picking until the
17 last minute because of the way the payroll is.

18 But after I was told I wasn't going, yes,
19 I told -- because everybody knew that, you know,
20 eventually I was heading down there -- that I didn't
21 get it, if that makes sense.

22 Q. Okay. Did you ever get that exact date
23 you just described?

24 A. I don't recall the exact date, what it
25 was. The end of March is all I remember.

1 Q. Okay. Was that in writing that you
2 received the exact date that you would start at
3 RENU?

4 A. That was from Lieutenant Guy.

5 Q. It was verbally?

6 A. Yes.

7 Q. Okay. So you never actually started on
8 that date, though, correct?

9 A. No. Gramke squashed it beforehand.

10 Q. Okay. So you never actually hit the date
11 where you were supposed to start on RENU?

12 A. Correct. I got the phone call in
13 February.

14 Q. Which is -- when were you supposed to
15 start according to a start date?

16 A. March.

17 Q. Okay. So you got the phone call in March
18 before the date had come?

19 A. I got the phone call in February --
20 February 23.

21 Q. That you were -- that it was overridden?

22 A. Yes, sir.

23 Q. Okay. And the date that was supposed to
24 be your start date was in March, correct?

25 A. Yes, sir.

1 Q. Okay. So you got the phone call it was
2 overridden in February then, correct?

3 A. Yes, sir.

4 Q. All right. So you didn't actually start
5 serving as a RENU officer because that date wasn't
6 until March, correct?

7 A. Correct.

8 MR. MILLER-NOVAK: Okay. I'm done.

9 MR. GOTTESMAN: We'll take signature
10 and review it.

11 (Witness excused.)

12 (Deposition concluded at 4:00 p.m.)
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A C K N O W L E D G E M E N T

STATE OF _____ :

COUNTY OF _____ :

I, JASON DAVIS, have read the transcript of
my testimony given under oath on May 6, 2025.

Having had the opportunity to note any
necessary corrections of my testimony on the errata
page, I hereby certify that the above-mentioned
transcript is a true and complete record of my
testimony.

JASON DAVIS

REPORTER'S CERTIFICATE

I, Kristina L. Laker, Court Reporter and
Notary Public, do hereby certify:

That the witness named in the deposition,
prior to being examined, was duly sworn;

That said deposition was taken before me
at the time and place therein set forth and was
taken down by me in shorthand and thereafter
transcribed into typewriting under my direction and
supervision;

That said deposition is a true record of
the testimony given by the witness and of all
objections made at the time of the examination.

I further certify that I am neither
counsel for nor related to any party to said action,
nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF I have subscribed my
name and affixed my seal this 26th day of May, 2025.

/s/ Kristina L. Laker

Kristina L. Laker
Notary ID 592345
My Commission expires: 12/21/25